



JOHN McMAHON, SHERIFF-CORONER



Senate Bill 1421 (Peace Officers Release of Records) became effective on January 1, 2019. Prior to SB 1421, peace officers' personnel records and records relating to specified incidents, complaints, and investigations involving peace officers were confidential. The Bill created four categories where a peace officer's personnel records would become public record through a Public Records Request.

The four categories for release of information are when an incident involved a peace officer and:

- Discharge of a firearm at a person
- A use of force against a person resulting in death, or great bodily injury
- A sustained finding that an officer engaged in a sexual assault involving a member of the public
- A sustained finding of dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer

The Department retains employee personnel records for five years as required by Penal Code section 832.5. The Department began to receive request for records in late December of 2018. At that time any potentially responsive personnel records, that might otherwise have been purged, were retained.

Through April 12, 2019, the Department was subject to a temporary restraining order preventing release of any records created prior to January 1, 2019. It took the Department an additional 4 months to compile, review, and redact information from the incidents that meet the criteria for SB 1421. Incidents over the past five years were thoroughly reviewed, and nine incidents met the criteria for release. State law requires an agency to withhold or redact records in certain circumstances. (See Cal. Const., art. I, § 1; Code Civ. Proc., § 2018.030; Evid. Code, § 954; Gov. Code, §§ 6254.3, 6254, & 6255; and Penal Code, §§ 832.7, 11105 & 13300.) Additional records are pending review and will be disclosed as soon as possible.

The San Bernardino County Sheriff's Department believes in transparency. Our employees work hard to maintain the public trust and keep our communities safe.



Interoffice Memo

DATE: August 6, 2018

PHONE: (909) 387- [REDACTED]

FROM: JASON CUNNINGHAM, Lieutenant
Internal Affairs Division

TO: DONNY MAHONEY, Captain
Rancho Cucamonga Station

SUBJECT

DISPOSITION OF ADMINISTRATIVE INVESTIGATION REGARDING DEPUTY
ALEJANDRO BARRERO - P# 9655-11

The administrative investigation regarding Deputy Alejandro Barrero has been reviewed, and the following determination has been made by Assistant Sheriff Tomlin.

ALLEGATION #1:

[REDACTED]

The allegation is "UNFOUNDED."

ALLEGATION #2:

[REDACTED]

The allegation is "UNFOUNDED."

ALLEGATION #3:

[REDACTED]

The allegation is "UNFOUNDED."

ALLEGATION #4:

On May 6, 2016, you used poor judgment and failed in your duties as a deputy sheriff when you misrepresented the facts in a criminal report, regarding your contact with [REDACTED].

The allegation is "SUSTAINED."

RECEIVED
INTERNAL AFFAIRS
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ALLEGATION #5:

On May 6, 2016, you used poor judgment and failed in your duties as a deputy sheriff when you omitted key facts in a criminal report, regarding your contact with [REDACTED].

The allegation is "**SUSTAINED.**"

Please inform the employee the initialed copy of the investigation will be maintained in his file for a period of five (5) years. At the end of this period, the investigation will automatically be purged from his file.

JC:vm

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ORDER OF DISCIPLINARY ACTION

To: Alejandro Barrero
Deputy Sheriff

Employee # A-6154

You are hereby notified that the Sheriff of San Bernardino County proposes to discipline you as follows:

A reduction in pay equivalent to twenty (20) days suspension, of which five (5) day will be held in abeyance for one (1) calendar year from the date of the service of the "Order of Disciplinary Action" upon you.

The remaining fifteen (15) days suspension will be served via reduction in salary step. You will be reduced from pay step "56" to pay step "52" for seventeen (17) pay periods, effective August 4, 2018, at 0001 hours and returning to pay step "56" on March 30, 2019, at 0001 hours.

In the event a similar act of misconduct occurs within the period of this agreement, the department may impose the aforementioned five (5) day suspension exclusive of and apart from any subsequent disciplinary action arising out of such similar acts of misconduct.

The employee understands and acknowledges that despite the abeyance, and even if there are no similar acts of misconduct, the employee's disciplinary history will reflect twenty (20) days suspension, which suspension would be considered for future disciplinary actions and progressive discipline, if applicable.

This disciplinary action is rendered for the following reasons:

CHARGES:

1. On May 6, 2016, you used poor judgment and failed in your duties as a deputy sheriff when you misrepresented the facts in a criminal report, regarding your contact with [REDACTED]. Said conduct is in violation of County Personnel Rule 10.2, Sections (a), (c), (e), (l), (p) and (r); and Department Rules and Regulations 1/606, 1/632, 1/644, 1/678 and 3/146; and is cause for discipline under said rules.

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2. On May 6, 2016, you used poor judgment and failed in your duties as a deputy sheriff when you omitted key facts in a criminal report, regarding your contact with [REDACTED]. Said conduct is in violation of County Personnel Rule 10.2, Sections (a), (c), (e), (l), (p) and (r); and Department Rules and Regulations 1/606, 1/632, 1/644, 1/678 and 3/146; and is cause for discipline under said rules.

PERSONNEL RULES VIOLATED:

1. Failure to meet reasonable work performance standards and requirements, as provided in Rule 10.2, Section (a), of the San Bernardino County Personnel Rules.
2. Willful or negligent disobedience of any law, ordinance, Memorandum of Understanding, County or Department rule, regulation, policy or procedure, as provided in Rule 10.2, Section (c), of the San Bernardino County Personnel Rules.
3. Off-duty and/or on-duty conduct by a County officer or employee which is job-related or discredits the County, department, or agency or which is incompatible with the due and faithful discharge of his or her duties, as provided in Rule 10.2, Section (e), of the San Bernardino County Personnel Rules.
4. Inefficiency, incompetence, or negligence in the performance of duties, as provided in Rule 10.2, Section (l), of the San Bernardino County Personnel Rules.
5. Improper withdrawal or limitation of service or any action which interferes with or is disruptive of the County mission or the public services, as provided in Rule 10.2, Section (p), of the San Bernardino County Personnel Rules.
6. Any act inconsistent with these Personnel Rules, as provided in Rule 10.2, Section (r), of the San Bernardino County Personnel Rules.

ORDER OF DISCIPLINARY ACTION
BARRERO, Alejandro
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POLICY SECTIONS VIOLATED:

1/606. **THE LAW ENFORCEMENT CODE OF ETHICS.** "As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality, and justice.

"I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of my duty.

"I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

"I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement."

1/632. **COMPETENCY.** All members of the Department shall maintain sufficient competency to properly perform their assigned duties and assume the responsibilities of their positions.

Incompetence is defined as being incapable of the satisfactory performance of a member's assigned duties. Significant deficiency in any of the following qualities is evidence of incompetency:

- Courage.
- Honesty.
- Emotional stability.

ORDER OF DISCIPLINARY ACTION

BARRERO, Alejandro

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- Sound judgment.
 - Industry.
 - Alertness.
 - Decisiveness.
 - Power to observe.
 - Initiative.
 - Energy.
-
- Intelligence.
 - The ability to get along with people.

Incompetency may be just cause for dismissal.

1/644. **ATTENTION TO DUTY.** A Department employee has a responsibility to engage cooperatively in the collective effort of his team, unit, and division in the positive attainment of its objectives and goals. Similarly, an employee has a responsibility to engage cooperatively in the collective effort of the Department in the achievement of its mission.

The responsibility for proper performance of an employee's duties and successful completion of his assignments rests primarily with the employee himself. He satisfies this responsibility by faithfully and diligently performing his assigned duties and tasks. Anything less violates the trust placed in him by the Department, his co-workers, and the public.

1/678. **MISCONDUCT.** A law enforcement officer is the most conspicuous representative of government, and to the majority of the people he is a symbol of stability and authority upon whom they can rely. A deputy's conduct is closely scrutinized, and when his actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life.

Since the conduct of a Department member, on or off duty, may reflect directly upon the Department. A member must, at all times, conduct himself in a manner which does not bring discredit to himself, the Department, or the County.

ORDER OF DISCIPLINARY ACTION

BARRERO, Alejandro

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3/146. COMPLETING REPORTS. Once the preliminary investigation has been conducted, it is the employee's responsibility to prepare an accurate and detailed report of the incident. This report should reflect the actual effort undertaken by the employee to prevent duplication of effort by follow-up investigators.

Prior to going off-duty, employees shall in all cases complete the face sheet and property reports (if applicable).

The employee shall then submit the face sheet and any property reports to a supervisor for approval, and the supervisor shall determine which reports are to be completed prior to going off-duty, and which can be completed on the employee's next duty day.

It is the employee's responsibility to forward any pertinent investigative information to the appropriate investigator or to his supervisor.

All "In Custody" reports shall be completed prior to going off-duty, unless specific prior approval is received from a supervisor.

ORDER OF DISCIPLINARY ACTION


BARRERO, Alejandro

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The level of discipline imposed is based on all relevant information contained in the administrative documents including any previous disciplinary actions.

Your conduct and actions, as aforesaid, violate and are contrary to the Rules and Regulations set forth herein. This Department will not tolerate the type of conduct you have displayed and any further violation may result in a more severe disciplinary action, up to and including termination.

Furthermore, pursuant to a Settlement Agreement dated July 10, 2018, you waive any further appeal and/or request for a hearing as provided in Rule 11, Section 11.2 of the San Bernardino County Personnel Rules, and so indicate by your signature hereon.


Alejandro Barrero, Deputy Sheriff

8-3-17
Date

JOHN McMAHON, SHERIFF-CORONER

Date: 7/25/18

By:  For
Lana Tomlin, Assistant Sheriff

Captain Donny Mahoney served the foregoing Order of Disciplinary Action upon Deputy Alejandro Barrero on July ^{August} 3, 2018.

NOTICE OF PROPOSED DISCIPLINARY ACTION

To: Alejandro Barrero
Deputy Sheriff

Employee # A-6154

You are hereby notified that the Sheriff of San Bernardino County proposes to suspend you for twenty (20) days as a Deputy Sheriff with the San Bernardino County Sheriff's Department. As a result of that suspension, your regular rate of pay will be reduced from pay step "56" to pay step "53" for thirty (30) pay periods, effective May 12, 2018, at 0001 hours and returning to pay step "56" on July 6, 2019, at 0001 hours. Any further reassignment will be at the discretion of the Sheriff.

Additionally, you shall complete the following training within 180 calendar days after service of the "Order of Disciplinary action" upon you:

1. The "Lieutenants' Interactive Forum for Education (LIFE)" class through the Los Angeles County Sheriff's Department, as directed by the San Bernardino County Sheriff's Internal Affairs Division.
2. Advanced Officer Training (AOT) Report Writing as directed by your commander.

This disciplinary action is rendered for the following reasons:

CHARGES:

1. On May 6, 2016, you used poor judgment and failed in your duties as a deputy sheriff when you misrepresented the facts in a criminal report, regarding your contact with [REDACTED]. Said conduct is in violation of County Personnel Rule 10.2, Sections (a), (c), (e), (l), (p) and (r); and Department Rules and Regulations 1/606, 1/632, 1/644, 1/678 and 3/146; and is cause for discipline under said rules.
2. On May 6, 2016, you used poor judgment and failed in your duties as a deputy sheriff when you omitted key facts in a criminal report, regarding your contact with [REDACTED]. Said conduct is in violation of County Personnel Rule 10.2, Sections (a), (c), (e), (l), (p) and (r); and Department Rules and Regulations 1/606, 1/632, 1/644, 1/678 and 3/146; and is cause for discipline under said rules.

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NOTICE OF PROPOSED DISCIPLINARY ACTION

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"I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of my duty.

"I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

"I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement."

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- Honesty.
- Emotional stability.
- Sound judgment.
- Industry.
- Alertness.
- Decisiveness.
- Power to observe.
- Initiative.
- Energy.

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- Intelligence.
- The ability to get along with people.

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Since the conduct of a Department member, on or off duty, may reflect directly upon the Department. A member must, at all times, conduct himself in a manner which does not bring discredit to himself, the Department, or the County.

3/146. **COMPLETING REPORTS.** Once the preliminary investigation has been conducted, it is the employee's responsibility to prepare an accurate and detailed report of the incident. This report should reflect the actual effort undertaken by the employee to prevent duplication of effort by follow-up investigators.

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The employee shall then submit the face sheet and any property reports to a supervisor for approval, and the supervisor shall determine which reports are to be completed prior to going off-duty, and which can be completed on the employee's next duty day.

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NOTICE OF PROPOSED DISCIPLINARY ACTION

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The level of discipline imposed is based on all relevant information contained in the administrative documents including any previous disciplinary actions.

Your conduct and actions, as aforesaid, violate and are contrary to the Rules and Regulations set forth herein. This Department will not tolerate the type of conduct you have displayed.

Attached are the materials on which this action is based.

You may respond orally and/or in writing to your appointing authority or in his absence the acting appointing authority explaining or countervailing the causes and reasons set forth herein. Any response must be received within five (5) days of service of this Notice upon you.

JOHN McMAHON, SHERIFF-CORONER

Date: 4/19/18

By: 
Steve Higgins, Assistant Sheriff

Captain Donny Mahoney served the foregoing Notice of Proposed Disciplinary Action upon Deputy Alejandro Barrero on April 23, 2018.



Interoffice Memo

DATE: April 23, 2018

PHONE: (909) 387- [REDACTED]

FROM: Alejandro Barrero, Deputy Sheriff
Rancho Cucamonga Station

TO: Jason Cunningham, Lieutenant
Internal Affairs Division

SUBJECT

Signature Page for P# 9655-11

I acknowledge I have read the attached documents and understand they will be placed into my personnel file. The attached documents are pages 6-153 of the administrative investigation under P# 9655-11

A handwritten signature in black ink, appearing to read "Alejandro Barrero", written over a horizontal line.

Alejandro Barrero, Deputy Sheriff

4.23.18

Date

San Bernardino County Sheriff's Department
ADMINISTRATIVE INVESTIGATION REPORT

Highlight any field and press F1 for an explanation of the required content.

Pursuant to PC832.7, personnel records or information obtained from these records are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to sections 1043 and 1046 of the Evidence Code.

P# 9655-11

- ☐ Administrative Investigation
- ☒ Citizen Complaint Investigation – Long Form
(Where ANY allegation can be Sustained or deemed Inconclusive)
- ☐ Citizen Complaint Investigation – Short Form
(Where ALL allegations can be Unfounded, Exonerated or deemed Frivolous)

Associated Reports:

- ☐ Use of Force
- ☒ Claim Against the County
- ☒ DR#: 111605519

Date Incident Occurred: 5/6/2016	Date Investigation Assigned: 3/24/2017	Station/Division: 11 Rancho Cucamonga Station
Date/Time Supervisor was notified of alleged misconduct: 3/24/2017 / hrs.		Date/Time Citizen Submitted Complaint (if applicable): 3/17/2017 / hrs.
Location of Incident (address, city, state & zip code): 11100 E 4th St. Rancho Cucamonga CA 91730		
Complainant: [REDACTED] Rancho Cucamonga CA 91730		

WITNESSES		INVOLVED EMPLOYEES	
Witness (if any):	<input type="checkbox"/> Citizen <input type="checkbox"/> Inmate <input type="checkbox"/> Other Agency	Involved Employee: [REDACTED] Sergeant [REDACTED] Date of Hire: [REDACTED]	
Witness (if any):	<input type="checkbox"/> Citizen <input type="checkbox"/> Inmate <input type="checkbox"/> Other Agency	Involved Employee: Barrero, Alejandro Deputy Sheriff Rancho Cucamonga Station A6154 Date of Hire: 4/1/2000	
Witness (if any):	<input type="checkbox"/> Citizen <input type="checkbox"/> Inmate <input type="checkbox"/> Other Agency	Involved Employee: [REDACTED] Deputy Sheriff Rancho Cucamonga Station [REDACTED] Date of Hire: [REDACTED]	
Witness (if any):	<input type="checkbox"/> Citizen <input type="checkbox"/> Inmate <input type="checkbox"/> Other Agency	Involved Employee: [REDACTED] Deputy Sheriff [REDACTED] Date of Hire: [REDACTED]	

Nature of Investigation:
Complainant alleges deputies [REDACTED]
[REDACTED]

Reporting Supervisor/Investigator: Sgt. Chris Deveau	Date: 5/23/17	Reviewing Supervisor: J. CUNNINGHAM	Date: 5/23/17	Station/Division Commander: J. CUNNINGHAM	Date: 5/23/17
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Recording Audit ☐ Yes ☐ No

Recording Audit ☐ Yes ☐ No

San Bernardino County Sheriff's Department
ADMINISTRATIVE INVESTIGATION REPORT
NAMES CONTINUATION

Highlight any field and press F1 for an explanation of the required content.

Pursuant to PC832.7, personnel records or information obtained from these records are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to sections 1043 and 1046 of the Evidence Code.

P# 9655-11

WITNESSES		INVOLVED EMPLOYEES	
Witness (if any):	<input type="checkbox"/> Citizen <input type="checkbox"/> Inmate <input type="checkbox"/> Other Agency	Involved Employee:	Deputy Sheriff Rancho Cucamonga Station Date of Hire:
Witness (if any):	<input type="checkbox"/> Citizen <input type="checkbox"/> Inmate <input type="checkbox"/> Other Agency	Involved Employee:	Deputy Sheriff West Valley Detention Center Date of Hire:
Witness (if any):	<input type="checkbox"/> Citizen <input type="checkbox"/> Inmate <input type="checkbox"/> Other Agency	Involved Employee:	Date of Hire:
Witness (if any):	<input type="checkbox"/> Citizen <input type="checkbox"/> Inmate <input type="checkbox"/> Other Agency	Involved Employee:	Date of Hire:
Witness (if any):	<input type="checkbox"/> Citizen <input type="checkbox"/> Inmate <input type="checkbox"/> Other Agency	Involved Employee:	Date of Hire:
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Witness (if any):	<input type="checkbox"/> Citizen <input type="checkbox"/> Inmate <input type="checkbox"/> Other Agency	Involved Employee:	Date of Hire:

Reporting Supervisor/Investigator: Sgt. Chris Deveau	Date: 5/23/17	Reviewing Supervisor:	Date:	Station/Division Commander:	Date:
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SUMMARY

Subjects:

[REDACTED], Sergeant
Alejandro Barrero, Deputy Sheriff
[REDACTED], Deputy Sheriff
[REDACTED], Deputy Sheriff
[REDACTED], Deputy Sheriff
[REDACTED], Deputy Sheriff

Reported By:

Chris Deveau, Sergeant

On September 21, 2016, [REDACTED] filed a Claim Against the County for damages related to a fractured lower left leg. The claim alleged [REDACTED] sustained the fracture when he was arrested following an incident on May 6, 2016, in Rancho Cucamonga. On that date, Deputy Alejandro Barrero arrested [REDACTED] for outstanding arrest warrants and possession of a controlled substance.

Sergeant [REDACTED] conducted an investigation related to the claim and prepared a memorandum summarizing his findings. Based on the investigation, [REDACTED] recommended the claim be denied.

On March 17, 2017, [REDACTED] served the Clerk of the Board of Supervisors with a Federal Lawsuit. In the lawsuit, [REDACTED] alleged deputies used excessive force during his arrest on May 6, 2016. [REDACTED] also alleged he was threatened by the deputies and a sergeant.

On May 6, 2016, at 0305 hours, deputies were dispatched to [REDACTED] in Rancho Cucamonga for a disturbance call. The reporting party told dispatch a Hispanic male

Investigated By:
Sergeant Chris Deveau, Internal Affairs Division

1 adult was "pounding" on a neighbor's door and the same thing had happened the night
2 before. The reporting party did not provide any additional description of the subject or his
3 clothing. Deputies [REDACTED] and Barrero arrived at the location in response to the call and used
4 their patrol vehicles' overhead lights to trigger a gate sensor to gain access to the gated
5 apartment complex.

6
7 Once inside the complex, [REDACTED] and Barrero parked their patrol units by an apartment
8 building where they believed the incident occurred. [REDACTED] began to walk west towards the
9 incident location and Barrero followed approximately 10 yards behind him. As [REDACTED] and
10 Barrero walked toward the apartment building, they noticed [REDACTED] behind them, running
11 away in a southeast direction. [REDACTED] ran towards the still open complex entrance gate.
12 Based on [REDACTED] actions, the late hour, and believing he may be involved in the incident
they were dispatched to investigate, [REDACTED] and Barrero ordered [REDACTED] to stop. [REDACTED] did not
14 comply with the order and continued to run towards the open gate. [REDACTED] and Barrero pursued
15 him on foot.

16
17 As [REDACTED] and Barrero pursued [REDACTED] they continued to give him commands to stop. [REDACTED]
18 continued to run away, which heightened their suspicions about him being involved in illegal
19 activity. [REDACTED] was approximately 50 to 70 yards in front of the deputies and they lost sight
20 of him as he ran out of the open entrance gate.

21
22 Barrero was the first one through the gate after [REDACTED] exited the complex. As Barrero went
23 through the gate and ran down the driveway, he saw [REDACTED] lying face down in the process of
24 pushing himself up off the ground. Based on [REDACTED] position, Barrero assumed [REDACTED] had
25 tripped and fallen while running away. Barrero reached [REDACTED] while he still lay on the
ground. Barrero placed his knees on [REDACTED]'s back to prevent him from rising and attempted

1 to place handcuffs on him. [REDACTED] resisted by keeping his hands underneath his body.
2 Barrero notified dispatch he had "one resisting." Barrero was able to secure one [REDACTED]
3 hands and [REDACTED] arrived to assist in securing [REDACTED] other hand to apply handcuffs. Neither
4 [REDACTED] nor Barrero struck, kicked, or intentionally caused injury to [REDACTED]

5

6 After hearing Barrero's broadcast of a subject resisting, Sergeant [REDACTED] and additional
7 deputies responded to the incident location. Deputies [REDACTED], [REDACTED], [REDACTED]
8 [REDACTED] and [REDACTED] arrived at the incident location after [REDACTED] had been detained.
9 [REDACTED] and [REDACTED] had brief interaction with [REDACTED] at the scene but did not strike, kick,
10 cause injury, or threaten [REDACTED]. At the time of this investigation, [REDACTED] was no longer
11 employed by the Department and was not interviewed.

12

13 While at the incident location, [REDACTED] asked the deputies for a summary of what occurred and
14 if a reportable Use of Force occurred. Based on the information he was given, [REDACTED] did not
15 believe a reportable Use of Force occurred. [REDACTED] did not interact with [REDACTED] at the
16 incident location nor at the jail. [REDACTED] did not threaten [REDACTED]

17

18 [REDACTED] was transported to West Valley Detention Center (WVDC) by [REDACTED] and
19 [REDACTED]. At WVDC, Deputy [REDACTED] stood near [REDACTED]
20 while he was medically evaluated by WVDC medical staff. Neither [REDACTED] nor
21 [REDACTED] threatened [REDACTED] while at WVDC.

22

23 On May 6, 2016, Deputy Barrero completed a criminal report (DR 111605519) documenting
24 the incident and his arrest of [REDACTED] for possession of a controlled substance and two
25 outstanding arrest warrants. In the report, Deputy [REDACTED] wrote he conducted a "consensual
encounter near the intersection of [REDACTED]." He made no mention of the

1 events preceding the arrest, including the initial call for service, [REDACTED] flight, or any
2 resistance.

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4 **End of Summary.**

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ADMINISTRATIVE INTERVIEW

Subject: [REDACTED], Sergeant
Date/Time: Friday, April 21, 2017, 1018 hours
Location: Internal Affairs Conference Room
Interviewed By: Chris Deveau, Sergeant
Julie Brumm-Landen, Sergeant

Prior to the recorded interview, Sergeant [REDACTED] was advised of the scope and nature of the investigation. He was supplied a copy of the Administrative Investigation Advisement forms and acknowledged his understanding of the forms by signing them. [REDACTED] also reviewed the Claim Against the County he authored, Criminal Report number 111605519, authored by Deputy Alejandro Barrero, and the dispatch recordings related to the incident in question. The following is a summary of the interview.

[REDACTED] has been employed by the Sheriff's Department for 23 years and is assigned to [REDACTED]. At the time of the incident, [REDACTED] was assigned to the Rancho Cucamonga Station.

On the night of May 6, 2016, [REDACTED] was the watch commander on duty at Rancho Cucamonga Station. There were no other supervisors on duty. [REDACTED] recalled the original call for service related to the incident was for a suspicious subject knocking on an apartment door at one of two apartment complexes on [REDACTED]. He explained the two apartment complexes have different addresses, but have a common parking lot driveway.

[REDACTED] was at the station monitoring the radio when he heard a deputy broadcast over the radio someone was "resisting." [REDACTED] was driving to the incident location when he heard a

1 second radio broadcast stating the subject was "detained." [REDACTED] arrived at the location and
2 observed Deputy Alejandro Barrero walking a subject, later identified as [REDACTED], to
3 a patrol unit parked in the cul-de-sac. Barrero leaned [REDACTED] over the trunk and searched him.
4 [REDACTED] pulled up to Barrero and asked him if he was ok and Barrero confirmed he was.
5 [REDACTED] did not contact or speak to [REDACTED] but remembered him yelling at Barrero. [REDACTED] did
6 not remember what [REDACTED] yelled, but it was along the lines of him being harassed.

7
8 After [REDACTED] had been placed in the back seat of the patrol car, [REDACTED] asked Barrero what
9 had occurred. Barrero told him, upon their arrival, [REDACTED] had come out from the location the
10 deputies were dispatched to investigate. When the deputies attempted to contact him, [REDACTED]
11 fled. As deputies pursued him, [REDACTED] tripped over the center island by the front gates and fell
12 down. Barrero was able to catch up to [REDACTED] and prevent him from fleeing further. [REDACTED]
13 resisted deputies attempts to place him in handcuffs by holding his hands beneath his body,
14 but the deputies were able to pull his hands out and [REDACTED] was handcuffed. [REDACTED] asked
15 Barrero if there was a Use of Force, or anything he must report. Barrero told him no.

16
17 After finishing his discussion with Barrero, [REDACTED] observed Deputies [REDACTED] and
18 [REDACTED] exiting the complex. [REDACTED] pulled them aside and asked them what had
19 occurred. Their accounts were similar to Barrero's. They said, [REDACTED] saw the deputies arrive
20 and took off running. He tripped over the center island and the deputies wrestled with [REDACTED]
21 for a few seconds to get his arms out from under him. They relayed there were no punches,
22 kicks, tackles, or other actions which needed to be reported. Based on what was expressed to
23 him, [REDACTED] felt everything was within policy. [REDACTED] did not interview [REDACTED] the night of
24 the incident.

1 [REDACTED] recalled Deputies [REDACTED] and [REDACTED] arriving after [REDACTED] was taken
2 into custody. Based on information in the CAD printout he reviewed prior to the interview,
3 [REDACTED] believed [REDACTED] and [REDACTED] transported [REDACTED] to WVDC within 15-20 minutes
4 of his arrest.

5
6 [REDACTED] investigated the Claim Against the County submitted by [REDACTED]. He conducted short,
7 unrecorded, Supervisory Inquiry interviews with Barrero and [REDACTED] for the investigation. The
8 interviews were to help [REDACTED] refresh his memory to confirm he remembered the incident
9 correctly. [REDACTED] did not interview [REDACTED] for the claim because he was trained to not contact
10 the party if they had retained an attorney. The deputies involved in the incident with [REDACTED]
11 did not belt record their contact with him so [REDACTED] could not review them for the claim.

12
13 On the night of the incident, [REDACTED] did not hear [REDACTED] complain of being assaulted or
14 injured, nor request medical attention. [REDACTED] observed [REDACTED] walk from the edge of the
15 driveway to a patrol car, a distance he approximated as 20 yards, on his own power. [REDACTED]
16 did not display any noticeable limp or sign of injury that would suggest a use of force had
17 occurred or he had sustained injury. [REDACTED] did not review the criminal report authored by
18 Barrero for the claim and did not sign it off after the arrest.

19
20 [REDACTED] denied threatening [REDACTED] the night of the incident by telling him he would make it
21 hard on him if he complained. [REDACTED] did not witness nor was he aware of any deputies
22 making threats to [REDACTED]. He believed there were deputies at the location who would have
23 reported any inappropriate behavior to him.

24
25 [REDACTED] stated Barrero's criminal report is not accurate in certain aspects based on what he
26 was told transpired. Barrero documented his contact with [REDACTED] in his report as a consensual

1 encounter. [REDACTED] felt this statement was not factual. [REDACTED] understanding of a consensual
2 encounter is two parties willing to engage in the contact. One party running away from the
3 other would be contradictory to consent. Barrero's report omitted the actions of [REDACTED]
4 running away from the deputies, [REDACTED] falling, or how he was detained. The report was
5 created in Presynct on May 6, 2016, the day of the incident, and approved a week later by
6 Detective [REDACTED].
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8 **End of Interview.**
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ADMINISTRATIVE INTERVIEW

Subject: [REDACTED], Deputy Sheriff
Date/Time: Tuesday, May 2, 2017, 1854 hours
Location: Rancho Cucamonga Station
Interviewed By: Chris Deveau, Sergeant
Jeffrey Notaro, Sergeant

Prior to the recorded interview, Deputy [REDACTED] was advised of the scope and nature of the investigation. He was supplied a copy of the Administrative Investigation Advisement forms and acknowledged his understanding of the forms by signing them. [REDACTED] also reviewed the Claim Against the County [REDACTED], authored by Sergeant [REDACTED], Criminal Report #111605519, authored by Deputy Alejandro Barrero, the dispatch recordings related to the incident in question, and the lawsuit filed on behalf of [REDACTED]. The following is a summary of the interview.

[REDACTED] has been employed by the Sheriff's Department for 26 years and has been assigned to the Rancho Cucamonga Station for the past 22 years.

On May 6, 2016, [REDACTED] was on-duty and dispatched to an apartment complex on [REDACTED] near [REDACTED], in regard to a Hispanic male subject knocking on an apartment door. He arrived shortly after Deputy Alejandro Barrero. They entered the south gate of the complex and drove to the west to one of the first buildings, believing it was the incident location. [REDACTED] and Barrero exited their patrol vehicles and started walking to the building at which they believed the incident was occurring.

1 Based on it being late at night, [REDACTED] felt there should be minimal people out and walking.
2 [REDACTED] was in front of Barrero as they approached the incident location. While walking west
3 along the south side of the building they believed to be the incident location, a Hispanic male,
4 later identified as [REDACTED], walked out from the far east end of the building, opposite
5 from the direction they were walking. Based on the late hour and proximity to the incident,
6 [REDACTED] felt [REDACTED] was suspicious and could be the subject knocking on the door. [REDACTED] was
7 approximately 50 yards from [REDACTED] when he first saw him. Both [REDACTED] and Barrero called out
8 to [REDACTED] to stop and [REDACTED] immediately began running to the south, away from them.
9 Barrero was now closer to [REDACTED] and both [REDACTED] and Barrero started running after [REDACTED]
10
11 [REDACTED] ran out of the apartment complex through the open gate they used to enter. [REDACTED] lost
12 sight of [REDACTED] and Barrero for a few seconds after they ran through the gate. When [REDACTED]
13 came around the corner, he saw [REDACTED] face down on the ground with Barrero on his back.
14 [REDACTED] believed he arrived approximately 10-15 seconds after Barrero. Barrero had one of
15 [REDACTED] hands behind his back and [REDACTED] helped grab his other hand to be handcuffed. [REDACTED]
16 said he saw no fighting when he reached Barrero and [REDACTED] Barrero told [REDACTED] [REDACTED]
17 tripped on the island, which made sense since [REDACTED] had a large head start when he initially
18 started running. [REDACTED] felt it would have taken much longer for them to catch him given such
19 distance. [REDACTED] and Barrero were the only deputies present during [REDACTED] initial contact and
20 arrest.
21

22 After handcuffing [REDACTED] Barrero searched him and located methamphetamine in his pocket.
23 There were also two outstanding warrants for [REDACTED] arrest. At no time during the encounter
24 did [REDACTED] hear [REDACTED] complain about anything. [REDACTED] arrived at the location and asked if
25 everything was ok and [REDACTED] did not voice any concerns. [REDACTED] was unsure if [REDACTED]
26 question was directed at [REDACTED] or Barrero. When asked, [REDACTED] recalled hearing Barrero

1 broadcast he had "one resisting." [REDACTED] initially thought Barrero should have broadcast he
2 was in a foot pursuit until he found Barrero on the ground with [REDACTED] closer than he
3 expected. [REDACTED] did not see any deputies punch, kick, push or otherwise strike [REDACTED] and
4 said he did not use any force against [REDACTED]. He did not kick or stand on [REDACTED] injured leg
5 and did not see any other deputies do so.

6
7 [REDACTED] did not hear [REDACTED] say his leg was broken or complain of pain. [REDACTED] did not ask for
8 medical attention. [REDACTED] did not tell [REDACTED] there was nothing wrong with his leg and to "stop
9 being a pussy" and did not hear any other deputies make such statements. [REDACTED] did not
10 threaten to "make it hard" on [REDACTED] if he complained at the jail.

11
12 When asked if Barrero's criminal report matched what he recalled from the incident, [REDACTED]
13 answered he would have written it differently. He clarified his statement, by stating he was
14 not saying it was inaccurate, but felt it did not depict the totality of what occurred. [REDACTED]
15 would have included the reason for being at the location and the subsequent foot pursuit.
16 Based on his understanding of a consensual contact, he did not feel the contact with [REDACTED]
17 was a consensual contact. [REDACTED] did not review the report, nor was he asked to write a
18 supplemental report.

19
20 [REDACTED] was not interviewed by [REDACTED] or any other supervisor as part of the Claim Against the
21 County investigation.

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23 **End of Interview.**
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ADMINISTRATIVE INTERVIEW

Subject: [REDACTED], Deputy Sheriff
Date/Time: Thursday, May 4, 2017, 1508 hours
Location: [REDACTED]
Interviewed By: Chris Deveau, Sergeant
Robert Trostle, Sergeant

Prior to the recorded interview, Deputy [REDACTED] was advised of the scope and nature of the investigation. He was supplied a copy of the Administrative Investigation Advisement forms and acknowledged his understanding of the forms by signing them. [REDACTED] also reviewed Criminal Report #111605519, authored by Deputy Alejandro Barrero. The following is a summary of the interview.

[REDACTED] has been employed by the Sheriff's Department for 9 years. He is assigned to the [REDACTED] but was assigned to the Rancho Cucamonga Station at the time of the incident.

On May 6, 2016, [REDACTED] was on-duty, assigned to a two-man unit with Deputy [REDACTED]. They responded to the disturbance call at the [REDACTED] Apartments to assist Deputy Alejandro Barrero and another deputy who [REDACTED] could not recall. While on the way to the location, [REDACTED] heard a deputy broadcast over the radio "one resisting and one uncooperative." When they arrived at the location, [REDACTED] was face down in the cul-de-sac area in front of the apartments. [REDACTED] believed there were other deputies at the location beside Barrero, but did not remember who they were. [REDACTED] did not remember if [REDACTED] was handcuffed or if the deputies were still attempting to handcuff him. [REDACTED] remembered [REDACTED] being uncooperative after being handcuffed by attempting to

1 roll over onto his back and kick. [REDACTED] was positioned at the upper portion of [REDACTED]
2 body with his knee on his back trying to hold him down while other deputies were at [REDACTED]
3 feet and leg area trying to control him. He remembered [REDACTED] being highly intoxicated
4 during the contact.

5
6 [REDACTED] was helped up by the deputies and when he stood up to be placed in the unit, he
7 complained his leg hurt. [REDACTED] did not remember if [REDACTED] indicated which leg was
8 hurt. [REDACTED] leaned against a patrol vehicle while standing under his own power. [REDACTED]
9 remembered somebody making a comment that [REDACTED] claimed his ankle or foot was broken,
10 but [REDACTED] was standing on both feet.

11
12 [REDACTED] did not hit, punch, or strike [REDACTED] nor did he see any other deputies hit, strike,
or punch him. [REDACTED] was familiar with the Use of Force Policy as well as the Use of
14 Force Reporting Policy. He said no tasers, oleoresin capsicum, or weapons were used during
15 the contact with [REDACTED]

16
17 When asked if medical aid was called for [REDACTED] [REDACTED] said he thought medical aid
18 was called, but did not remember if they ever arrived. [REDACTED] did not recall if he
19 recorded the contact with [REDACTED] A subsequent check of his belt recordings revealed he had
20 not.

21
22 When asked if he told [REDACTED] nothing was wrong with his leg and to not "be a pussy,"
23 [REDACTED] said he could not recall, nor could he recall if anybody else made that statement.
24 [REDACTED] could not recall if anyone threatened it would be "hard" on [REDACTED] if he
25 complained about anything to the nurse at the jail. He could not recall if he and [REDACTED]

1 transported [REDACTED] to the jail, but recognized the handwriting on the booking application as
2 his, and the handwriting on the citation as Barrero's.

3
4 Based on a review of Barrero's report, [REDACTED] felt for the most part it was accurate.
5 When asked how it varied from his recollection, [REDACTED] answered there was no heading
6 about the subject being uncooperative. He defined a consensual contact as interaction
7 between law enforcement and a willing subject which can be terminated by either party at
8 any time as there was no probable cause to detain or arrest the subject. [REDACTED] did not
9 feel this was a consensual contact since [REDACTED] ran from the deputies and they ran after him,
10 but it did not mean Barrero did not attempt to initiate the contact as a consensual contact.

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12 [REDACTED] was not interviewed by [REDACTED] or any other supervisor for the Claim Against the
County investigation.

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15 **End of Interview.**
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ADMINISTRATIVE INTERVIEW

Subject: Alejandro Barrero, Deputy Sheriff
Date/Time: Thursday, May 22, 2017, 1723 hours
Location: Rancho Cucamonga Station
Interviewed By: Chris Deveau, Sergeant
Kim Watkins, Sergeant

Prior to the recorded interview, Deputy Alejandro Barrero was advised of the scope and nature of the investigation. He was supplied a copy of the Administrative Investigation Advisement forms and acknowledged his understanding of the forms by signing them.

Barrero also reviewed the Claim Against the County, # [REDACTED] authored by Sergeant [REDACTED], Criminal Report #111605519, authored by himself, the dispatch recordings related to the incident in question, and the lawsuit filed on behalf of [REDACTED]. The following is a summary of the interview.

Barrero has been employed by the Sheriff's Department for 17 years and has been assigned to the Rancho Cucamonga Station for 2 ½ years.

On May 6, 2016, Barrero was dispatched to a call about a subject ringing a doorbell for the second night in a row. Barrero arrived at the incident location at the same time as Deputy [REDACTED]. They entered the gated complex by utilizing their overhead lights which triggered a sensor to open the gates. As they entered the complex, they turned left and stopped at a building to their right which [REDACTED] thought was the building where the call had come from. As they walked towards the building to locate the apartment, they saw a male subject, later identified as [REDACTED], east of them. [REDACTED] was running from the east side of the building, toward the open gate, which they just entered. Barrero believed [REDACTED]

1 might be involved in the call for service, so he ran toward him. Barrero yelled for [REDACTED] to
2 stop, but [REDACTED] continued to run and exited the complex through the gate. Barrero believed
3 there was approximately 60-70 yards between him and [REDACTED] when he started to run after
4 him. [REDACTED] was an additional 15-20 feet behind Barrero at the time. Barrero lost sight of
5 [REDACTED] once he ran through the gate.

6
7 As Barrero came around the gate, he saw [REDACTED] laying on the ground trying to get up.
8 Barrero believed [REDACTED] had fallen near the keypad area used to access the complex. Barrero
9 reached [REDACTED] before he could get up off the ground. Barrero positioned himself on top of
10 [REDACTED] with his knees in the upper and middle portion of [REDACTED] back. While in this
11 position, Barrero was able to handcuff [REDACTED] With the head start [REDACTED] had on him, Barrero
12 believed he would not have caught [REDACTED] until much farther down the road, if at all, had
13 [REDACTED] not fallen. Deputy [REDACTED] and Sergeant [REDACTED] arrived after [REDACTED] had already been
14 contacted.

15
16 Barrero remembered broadcasting he had "one resisting." When asked what [REDACTED] was
17 doing to resist, Barrero said [REDACTED] was trying to get up. [REDACTED] was not punching or fighting,
18 he was getting up as if doing a "push up." Barrero did not remember [REDACTED] saying anything
19 and remembered telling [REDACTED] to "stay down." When [REDACTED] stood up and was taken to the
20 car, he did not "hobble," "limp," or "complain of pain." [REDACTED] did not complain his foot or
21 leg were hurt, nor that his ankle was broken.

22
23 Barrero was familiar with the Use of Force policy as well as the Use of Force Reporting
24 policy. Barrero did not strike, punch, push, or kick [REDACTED] nor did he see anyone else do so.
25 Barrero did not see anyone standing on, or causing injury, to [REDACTED] legs or arms.

1 Barrero did not tell [REDACTED] nothing was wrong with his leg and to not "be a pussy," nor did he
2 hear anyone else do so. No threats were made to [REDACTED] by Barrero or anyone else to make it
3 "hard on him" if he talked to jail staff about his injury.

4
5 Barrero told [REDACTED] what occurred and felt there was no reportable Use of Force. Barrero did
6 not know if medical aid was called for [REDACTED] and did not feel it was necessary. When asked
7 about [REDACTED] attitude when he was contacted, Barrero said [REDACTED] was argumentative and
8 appeared to be drunk. Barrero believed he transported [REDACTED] to the jail, but was not certain.
9 It was possible Deputies [REDACTED] and [REDACTED] transported [REDACTED] to help him
10 out.

11
12 When asked if his report matched what he recalled happening, Barrero explained he created a
separate call from the initial disturbance call because he could not verify [REDACTED] was the one
14 causing the reported disturbance. When [REDACTED] name was given to dispatch, he was found
15 to have two outstanding warrants. [REDACTED] was also found to be in possession of suspected
16 methamphetamine. Barrero separated the calls from each other because he did not want to tie
17 someone else ringing the doorbell in the future with [REDACTED] He was not sure, but believed the
18 reporting party could not identify the subject at the door. Even if [REDACTED] was at the door, there
19 did not appear to be sufficient evidence to establish a crime had occurred. Barrero had been
20 dispatched to a disturbance call, but with the way the circumstances developed, Barrero
21 decided to separate the calls and created a "PED Check."

22
23 When asked if he considered a subject running from him and ignoring orders to stop
24 a consensual encounter, Barrero answered "No." He described it as more of a suspicious
25 person investigation. When asked why his report described [REDACTED] contact as a consensual
26 encounter as opposed to what happened prior to [REDACTED] running, Barrero answered he should

1 have documented what happened. When asked why that did not happen, Barrero responded,
2 "No, I, just to separate them, to separate both incidents, but I should have tied it in together."
3 When asked again if he would consider it a consensual contact, Barrero answered "No."

4
5 Barrero did not recall if he was interviewed by [REDACTED] for the Claim Against the County, but
6 did recall speaking to him the night of the incident. When asked if the Claim Against the
7 County response was a fair account of what transpired, Barrero answered "Yes." Barrero was
8 asked if the Claim Against the County response differed from his report because it was not a
9 consensual encounter. He answered "Yes."

10
11 When asked if was trying to lie in his report, Barrero quickly answered "No, not all." When
12 asked if there was any reason to lie in his report, he again answered "No." Barrero did not
belt record his contact with [REDACTED].

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16 **End of Interview.**
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ADMINISTRATIVE RE-INTERVIEW

Subject: Alejandro Barrero, Deputy Sheriff
Date/Time: Thursday, May 24, 2017, 0808 hours
Location: Internal Affairs Conference Room
Interviewed By: Chris Deveau, Sergeant
Robert Trostle, Sergeant

Deputy Alejandro Barrero was re-advised of the scope and nature of the investigation. He was shown his signed and dated copy of the Administrative Investigation Advisement forms from his initial interview, and acknowledged his understanding of the forms. Barrero had not spoken to anybody about the investigation since his previous interview. Prior to the interview, Barrero was provided an overhead Google map of the incident location to review. The following is a summary of the interview.

Barrero was asked to provide a description of the incident location based on the map provided. Barrero drew lines and wrote information on the map to help depict what happened, distances, and spatial relationships.

There were two driveways to two apartment complexes from [REDACTED]. Barrero indicated he and [REDACTED] entered the west driveway. Upon entry into the complex, Barrero and [REDACTED] turned left and parked near an opening between the first and second buildings. Barrero indicated [REDACTED] ran south from the east end of the first building, through the still open gate. A short distance past the gate, in the driveway, Barrero found [REDACTED] face down on the ground trying to push himself up off the ground. [REDACTED] was not "proned out" because [REDACTED] was trying to get up off the ground when Barrero reached him.

1 Barrero placed his knee on [REDACTED] back similar to a high-risk cuffing technique. He
2 controlled [REDACTED] by pulling his arms behind his back to get him handcuffed.

3
4 Barrero did not punch, kick, or elbow [REDACTED]

5
6 Barrero initialed and dated the map to indicate it was the one on which he wrote while
7 describing what occurred.

8
9 **End of Interview.**

ADMINISTRATIVE RE-INTERVIEW

Subject: Alejandro Barrero, Deputy Sheriff
Date/Time: Wednesday, February 28, 2018, 1400 hours
Location: Internal Affairs Conference Room
Represented By: Michael Schwartz, Attorney
Interviewed By: Chris Deveau, Sergeant
Allen Girard, Sergeant

Deputy Alejandro Barrero was re-advised of the scope and nature of the investigation. He was shown the signed and dated copy of the Administrative Investigation Advisement forms from his initial interview and acknowledged his understanding of the forms. Prior to the interview, Barrero and Michael Schwartz were provided an opportunity to review the audio recordings of Barrero's previous interview and re-interview. They were also provided a copy of criminal report DR# 111605519 and secondary Call History Inc# RC161270041. The following is a summary of Barrero's interview.

Barrero was asked to explain his encounter with [REDACTED], step-by-step from beginning to end. Barrero said deputies responded to a suspicious call involving a subject knocking on a door for the second night in a row. Deputy [REDACTED] arrived at the location, a gated apartment complex, first and opened the entrance gate utilizing his overhead lights. Barrero followed [REDACTED] through the open gate. [REDACTED] pulled up to an apartment building and stopped. Barrero parked behind [REDACTED] and they exited their units. Barrero and [REDACTED] approached the sidewalk when, to their right, they saw a subject, later identified as [REDACTED], 50-70 yards away, running. Barrero "gravitated" toward [REDACTED] losing sight of [REDACTED] when he ran out the open gate. Barrero and [REDACTED] ran after [REDACTED] and when Barrero turned the corner of the gate, he saw [REDACTED] face down in the driveway, near the

Investigated By:
Sergeant Chris Deveau, Internal Affairs Division

1 intercom system. Barrero approached [REDACTED] as he tried to get up off the ground and put his
2 knees on [REDACTED] back to keep him down. [REDACTED] tried to get up as if he was doing a push-
3 up. Barrero placed [REDACTED] left arm behind his back. [REDACTED] arrived a few seconds after
4 Barrero and helped get [REDACTED] right arm behind his back, at which time [REDACTED] was
5 handcuffed. Barrero believed he ran 80-110 yards while he chased [REDACTED]

6
7 When asked what Barrero meant when he said he "gravitated" towards [REDACTED] Barrero said
8 due to the time of night and the fact nobody else was around, [REDACTED] could have been the
9 suspicious person the reporting party called about, so Barrero ran towards him. When asked
10 if [REDACTED] was jogging or running to get away, Barrero said he did not know.

11
12 When asked if Barrero or [REDACTED] gave any orders to [REDACTED] Barrero said he believed he yelled
13 out "Stop" or something similar. Barrero could not recall due to the time between the
14 interview and the incident. [REDACTED] may have given orders as well, but Barrero did not
15 remember. From the time Barrero saw [REDACTED] on the ground to when he contacted him,
16 Barrero did not think he gave [REDACTED] any additional orders. After he placed his knees on
17 [REDACTED] back, Barrero believed he ordered [REDACTED] to "stay down," but [REDACTED] did not comply
18 as he was still trying to push up off the ground. [REDACTED] attempt to get up off the ground was
19 the reason Barrero broadcasted [REDACTED] was resisting, not because [REDACTED] was punching or
20 kicking.

21
22 When Barrero gained control of [REDACTED] left arm it was underneath [REDACTED] close to his body,
23 not in a fully extended position. [REDACTED] was handcuffed, then helped to his feet by Barrero
24 and [REDACTED] at which time he was searched for his identification only. Barrero did not recall
25 where he located [REDACTED] identification. Barrero ran [REDACTED] information over the air.

26 Dispatch responded [REDACTED] had two outstanding warrants.

1 When asked what gave Barrero the authority to search [REDACTED] Barrero said it was based on
2 [REDACTED] suspicious behavior, failure to stop when ordered, and failure to comply when
3 contacted. When asked if Barrero had a legal reason to stop [REDACTED] Barrero answered "yeah,"
4 because of the suspicious circumstances call the deputies responded to.

5
6 When asked why he chased [REDACTED] Barrero said based on the time of night, circumstances of
7 the call, and being the only person out, [REDACTED] could have been the reason for the call.
8 Barrero said it would be important to chase [REDACTED] to investigate him and the circumstances
9 of the call.

10
11 When asked what authority he had to place his knees on [REDACTED] back, Barrero said to "keep
12 him down," to "find out more about why I was at the call," and to prevent him from running
13 again. When asked why he placed [REDACTED] in handcuffs, Barrero said it was because [REDACTED]
14 was trying to get up and was not complying with orders to stay down.

15
16 When asked if he tried to verbally identify [REDACTED] before searching him, Barrero said he did
17 not because when he and [REDACTED] asked [REDACTED] if he was the one ringing the doorbell, Barrero
18 could "totally tell that he was drunk." Barrero felt he could not have a civil conversation with
19 [REDACTED] because he was intoxicated.

20
21 When asked if Barrero thought [REDACTED] went to the ground based on the orders he was given,
22 he said it never crossed his mind because if [REDACTED] had, he would not be trying to get up and
23 Barrero would not have had to air "one resisting."

24
25 When asked why he did not call out he was in foot pursuit, Barrero said it happened fast and
he did not feel it was a foot pursuit. From his experience, Barrero believed when someone

1 you were talking to or during a traffic stop "bolts" from you, it would be a foot pursuit. This
2 situation did not register to him as a foot pursuit. If [REDACTED] had not tripped and the chase
3 lasted longer, he or [REDACTED] would have given more commands and called out a foot pursuit.
4 Barrero generally chased someone for a period of time before he called out a foot pursuit.
5 Barrero typically based calling out a foot pursuit on whether he was losing ground or not
6 gaining on the subject he was chasing. Barrero's understanding of calling out a foot pursuit
7 was to get units to help and set up a perimeter. Barrero estimated he ran 80-110 yards before
8 he contacted [REDACTED]

9
10 When asked what transpired in the 41 seconds between him broadcasting one resisting and
11 his call of code four, one detained, Barrero said [REDACTED] arrived at the location. [REDACTED] got
12 [REDACTED] right arm behind his back, they handcuffed [REDACTED] and they stood him up.

13
14 After learning [REDACTED] had warrants, Barrero realized they still had not gone to the apartment
15 to determine if anyone was knocking on the door or if [REDACTED] was the subject involved, so he
16 asked dispatch to separate the calls and put him on a "Ped Check" at the same location.

17
18 [REDACTED] was originally detained by Barrero to gather more information about the
19 circumstances of the call. Barrero located the suspected methamphetamine on [REDACTED] after he
20 was placed under arrest for his outstanding warrants. Barrero walked [REDACTED] to a patrol unit,
21 leaned him over the trunk and searched [REDACTED] pockets. Barrero did not ask for consent to
22 search, did not have a search warrant, and did not believe he was required to have one.

23
24 When asked if it was premature to create a separate call since contact had not been
25 made with the original reporting party to investigate what transpired, Barrero said "No."

26 [REDACTED] had two warrants and was under arrest, which is why Barrero created the separate call.

1 Barrero did not determine if there was any criminal activity at the incident location, but
2 believed [REDACTED] went to the location and closed out the original call. Barrero did not determine
3 if [REDACTED] was the subject involved in the call.

4
5 After the suspected narcotics tested positive, Barrero read [REDACTED] his Miranda rights while
6 [REDACTED] was seated in the back seat of a patrol unit. [REDACTED] responses to the Miranda
7 questions were "Yes" to question one and "No" to question two. Per Barrero, [REDACTED]
8 answers were verbatim and not from his recollection. The contact with [REDACTED] was not belt
9 recorded.

10
11 When asked why his report listed his contact with [REDACTED] as consensual, Barrero said it was a
12 "brain fart" on his part. Barrero pointed out on the face page of the report (CR1), he listed the
13 contact with [REDACTED] was a Pedestrian Check and that consensual encounter was not the right
14 wording to use. Barrero clarified he should have used, "I made contact with [REDACTED] because
15 of the reason why I, I was dispatched to the call." Barrero said if he added another paragraph
16 to the report which explained why he was at the location, [REDACTED] ran, deputies chased [REDACTED]
17 to determine if he was involved with the call, and added the rest of what he wrote, the report
18 would have been better. Barrero agreed his contact with [REDACTED] was not a consensual
19 encounter and it was a bad heading to use.

20
21 When asked if he considered his contact with [REDACTED] a "Ped Check" as listed on his CR1,
22 Barrero said he told dispatch to put him on a "Ped Check" at the same location. When
23 Barrero wrote his report, his frame of mind was he conducted a pedestrian check on [REDACTED]
24 when he was on the original call, but he did not include the details previously mentioned as
25 he should have. Barrero conducted a pedestrian check on [REDACTED] based on the suspicious
circumstances of the original call.

1 When asked what his understanding of a pedestrian check was, Barrero said it was a check on
2 a person in public, not in a car. Barrero was checking on [REDACTED] based on the original call he
3 was on. Barrero was asked if he contacted [REDACTED] to determine if a crime may or may not
4 have occurred and he said he did.

6 When asked if he received training in writing reports, Barrero answered "Yes." Barrero was
7 also asked if during his training at the academy, attention to detail and the importance of
8 details were stressed and he said "Yes." When asked if it was important to record what
9 occurred when writing a report, Barrero said "Of course."

11 When asked, Barrero said he had made hundreds of drug arrests most of which were from
12 consensual encounters or pedestrian checks. When asked if he routinely wrote his reports as
13 consensual encounters when they were not, Barrero said, "Oh no, not at all."

15 When asked what kind of contact he had with [REDACTED] Barrero said it was a suspicious
16 circumstances encounter. When asked if he had legal authority to contact and detain [REDACTED]
17 Barrero said "Yes." Barrero's authority was based on the suspicious circumstances of the
18 original call.

20 When asked why he documented the location of the contact as [REDACTED]
21 [REDACTED] Barrero said [REDACTED] was the nearest cross street and he did not realize the
22 cul-de-sac where he contacted [REDACTED] had a street name. When asked about the discrepancy
23 of the location in the report differing from the incident location listed on the CR1, Barrero
24 said the location on the CR1 was auto-populated with information from the original call when
25 he clicked on a link in Presynct. Barrero did not use the original incident location in the body
of the report because [REDACTED] left the complex when he ran out to [REDACTED].

1 When asked why he did not document the foot pursuit, detention, and handcuffing, Barrero
2 said he "should have" laid out more information as to the reason why he was there, but he did
3 not. Barrero did not call out a foot pursuit because he did not believe he was in a foot pursuit.
4 Barrero described it as an uneventful contact where there was no fight. To protect himself in
5 case [REDACTED] got up, Barrero called out one resisting. Barrero reiterated he should have added
6 more detail to his report. When asked again why he did not add more detail, Barrero said,
7 "brain fart on my part" and it was unlike him. Barrero said he messed up by putting
8 consensual encounter in the report when it was not and should have laid it out better. Barrero
9 continued and said "there was no intentions to, it was uneventful. We didn't do anything to
10 [REDACTED] [REDACTED]." Barrero also said if he had laid it out better it would have told the complete story
11 to tie in both calls, his justification for being at the location, and the reader would know from
12 beginning to end why he was at the location.

13
14 When asked if the facts were important for prosecution, Barrero said "Yes," they can be a
15 factor. Barrero believed his report could get a filing and conviction because regardless of the
16 fact [REDACTED] ran, he had two warrants and drugs in his pocket.

17
18 When asked if he knew what exculpatory evidence was, Barrero said "Yes." Barrero's
19 understanding of exculpatory evidence was the evidence he could gather and show from
20 beginning to end, how he got to the location to get a filing. Barrero again stated he could have
21 given more detail in his report. Barrero was asked if he had heard of evidence likely to prove
22 innocence as opposed to guilt and Barrero said "Yes." He was asked if it was just as
23 important to document the evidence of innocence as it was the evidence of guilt, to ensure a
24 fair prosecution and defense, Barrero said "Yes." He was sure he documented he found the
25 suspected drugs in [REDACTED] coin pocket during his search. When asked if it is important to
document the reason for the contact for later review to determine if the contact and search

1 were legal, Barrero agreed it was.

2
3 When asked if it was common for him to omit facts from his reports, Barrero said "No."

4 When asked if it was important to be truthful in his reports, Barrero said "Of course." When
5 asked if it was standard operating procedure to document inaccurate information, Barrero
6 said "No," and agreed it is important to be accurate in writing any report, search warrant, or
7 legal document.

8
9 When asked if his report was chronologically correct, Barrero said "Yes," except for the part
10 of how he got to the location. When asked if Barrero was assigned to a dispatched call for
11 service and not a routine patrol check when he observed the suspect, Barrero said "Yes."

12 When asked if his chase, detention and arrest of the suspect was based on the call for service
13 and description or something he created, Barrero said it was "based on the call."

14 When asked if his legal justification for chasing and detaining [REDACTED] was based on the
15 original call for service, including the description, Barrero said "Yes." When asked if the
16 contact was not a proactive consensual encounter, Barrero said "Correct."

17
18 When asked if he transported [REDACTED] to jail as was documented in his report, Barrero said
19 Deputy [REDACTED] and Deputy [REDACTED] transported [REDACTED] as a favor. When asked
20 if he should have known who transported [REDACTED] to jail, Barrero said "Yes." When asked why
21 he did not document [REDACTED] injuries or lack of injuries in his report, Barrero said because
22 [REDACTED] did not have any injuries. [REDACTED] did not complain of any injuries and Barrero did not
23 see any.

24
25 When asked whether the report was documented in such a way to avoid more work, to avoid
26 accurately depicting the investigation, or to avoid writing out a full and true event of what

1 happened, Barrero said, "No sir."

2
3 When asked by Schwartz, when he had [REDACTED] detained and searched him, if it was to
4 determine who [REDACTED] was, Barrero said yes. While he searched for [REDACTED] identification,
5 Barrero also searched [REDACTED] for weapons to ensure officer safety.

6
7 When asked by Schwartz if he used any force which would be a reportable use of force
8 during the arrest, Barrero said "No." Due to the fact he did not use force and did not observe
9 any injuries, Barrero did not document a lack of injuries.

10
11 When asked by Schwartz if [REDACTED] was already running when he initially saw him, Barrero
12 said "Yes." When asked if when he ran after [REDACTED] Barrero was not chasing him because
13 [REDACTED] was not running from him, but was already running when Barrero saw him, Barrero
14 said "Correct." When asked by Schwartz if the distance he ran after [REDACTED] was short enough
15 he did not have to run much before [REDACTED] fell, Barrero said "Correct." Barrero was surprised
16 [REDACTED] fell. When asked if the chase only lasted a few seconds, Barrero said "Correct." [REDACTED]
17 arrived 10-12 seconds after Barrero and assisted in handcuffing [REDACTED]

18
19 **End of Interview.**

ADMINISTRATIVE INTERVIEW

Subject: [REDACTED], Deputy Sheriff
Date/Time: Thursday, May 26, 2017, 1315 hours
Location: West Valley Detention Center Administrative Lieutenant's Office
Interviewed By: Chris Deveau, Sergeant
Mark Pederson, Sergeant

Prior to the recorded interview, Deputy [REDACTED] was advised of the scope and nature of the investigation. He was supplied a copy of the Administrative Investigation Advisement forms and acknowledged his understanding of the forms by signing them. [REDACTED] also reviewed surveillance video from West Valley Detention Center of the night in question. The following is a summary of the interview.

[REDACTED] preferred to be called [REDACTED]. [REDACTED] has been employed by the Sheriff's department for one year and eight months, and is assigned to the West Valley Detention Center.

[REDACTED] reviewed the provided video, but it did not refresh his memory of the evening.

[REDACTED] was working the night of May 6, 2016, and was assigned to Male Intake at West Valley Detention Center.

[REDACTED] could not recall his contact with [REDACTED] nor any details of his contact with him. [REDACTED] could not recall if [REDACTED] told him he was injured or if he asked for medical attention. When asked what the video depicted, [REDACTED] said, it looked like [REDACTED] had a medical issue so [REDACTED] took him to the nurse's station to be evaluated. For

Investigated By:
Sergeant Chris Deveau, Internal Affairs Division

1 clarification [REDACTED] was asked if what the video showed was part of the initial process
2 and if it could be a medical screening. [REDACTED] said, it was an initial medical screening.
3 [REDACTED] was not authorized to conduct a medical screening. If there was an injury or
4 medical problem, [REDACTED] would be screened by a nurse. [REDACTED] could not recall what
5 [REDACTED] injury was, but based on the video it appeared to him to be a foot injury or infection.
6

7 When asked if he told [REDACTED] not to complain or tell the nurse what happened in the field or
8 he would "make it hard on him," [REDACTED] responded, "No." When asked if he threatened
9 [REDACTED] or heard any other deputies threaten [REDACTED] he responded, "No." When asked if he
10 heard any deputies tell [REDACTED] it would be "hard on him" if he said anything, he responded,
11 "No." When asked if he heard any deputies tell [REDACTED] "Remember what the sergeant said,"
12 [REDACTED] responded, "No."

13
14 **End of Interview.**
15
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ADMINISTRATIVE INTERVIEW

Subject: [REDACTED] Deputy Sheriff
Date/Time: Monday, May 29, 2017, 1613 hours
Location: Internal Affairs Conference Room
Represented By: Michael Schwartz, Attorney
Interviewed By: Chris Deveau, Sergeant

Prior to the recorded interview, Deputy [REDACTED] was advised of the scope and nature of the investigation. He was supplied a copy of the Administrative Investigation Advisement forms and acknowledged his understanding of the forms by signing them. [REDACTED] also reviewed the Claim Against the County, #124150, authored by Sergeant [REDACTED] Criminal Report #111605519, authored by Barrero, the surveillance video from WVDC and the lawsuit filed on behalf of [REDACTED]. The following is a summary of the interview.

[REDACTED] has been employed by the Sheriff's Department for 10 years and is assigned to the Rancho Cucamonga Station.

On May 6, 2016, [REDACTED] was on-duty, assigned to a two-man unit with Deputy [REDACTED]. [REDACTED] could not recall the incident involving [REDACTED]. He only recalled who was there based on his review of the call history and believed the call history was accurate. [REDACTED] could not recall who first contacted [REDACTED]. When asked if he remembered hearing, "Paul 1-6 one resisting," [REDACTED] recalled the radio traffic, which was why he assigned himself to assist. He did not initially recall hearing Deputy Alejandro Barrero say, "one detained," on the radio, but recalled hearing it upon reading the call history.

When asked if he was familiar with the Use of Force Policy as well as the Use of Force Reporting Policy, [REDACTED] responded, "Yes" to both. [REDACTED] did not see any deputies punch,

Investigated By:
Sergeant Chris Deveau, Internal Affairs Division

1 kick, or strike [REDACTED] [REDACTED] did not hear any deputies talk about using force or having to use
2 force on [REDACTED] [REDACTED] did not punch, kick, strike, push, or use force against [REDACTED] [REDACTED]
3 did not recall a taser, or oleoresin capicum being deployed.
4

5 When asked if [REDACTED] told him, or if he had heard [REDACTED] say his leg was broken, [REDACTED]
6 responded, "No." When asked if he told [REDACTED] nothing was wrong with his leg and to not
7 "be a pussy," [REDACTED] responded, "No." [REDACTED] did not hear anyone say nothing was wrong
8 with [REDACTED] leg and to not "be a pussy," nor any similar comment. [REDACTED] did not threaten to
9 make it "hard" on [REDACTED] if he reported his leg broken or hurt, nor did he recall any one else
10 make such a threat. [REDACTED] did not threaten or tell [REDACTED] to "remember what the sergeant
11 said," nor did he recall anyone else make such a statement. [REDACTED] did not recall transporting
12 [REDACTED] but acknowledged, based on his review of the Call History, he did. [REDACTED] could not
13 recall [REDACTED] demeanor during the incident. [REDACTED] was not interviewed by [REDACTED] for the
14 Claim Against the County.
15

16 [REDACTED] was asked by Attorney Michael Schwartz if there was anything about the event that
17 made it stick out as significant and [REDACTED] responded, "No."
18

19 **End of Interview.**
20
21
22
23
24
25

ADMINISTRATIVE INFORMATION

Subject: [REDACTED] Interview

Reported By: Chris Deveau, Sergeant

I left a voice message for [REDACTED] using a phone number found in his arrest history, asking him to contact me for an interview. I did not receive a return call.

I contacted attorney [REDACTED] to determine if he would allow [REDACTED] to give an interview. [REDACTED] informed me he would not allow [REDACTED] to provide an interview and the information listed in the suit covered what he would say in an interview.

No interview was conducted with [REDACTED]

End of Information.

ADMINISTRATIVE INFORMATION

Subject: [REDACTED] interview

Reported By: Chris Deveau, Sergeant

Deputy [REDACTED] left the Sheriff's Department, to work for [REDACTED]

I contacted [REDACTED] via telephone and advised him of the investigation I was conducting. I asked him if he would be willing to provide an interview about what his actions were or what he witnessed during the incident with [REDACTED]. I explained to him since he was no longer an employee with the Sheriff's Department, I could not compel him to speak to me and his interview would be completely voluntary. [REDACTED] stated he understood the information I provided him, would check with his attorney on how to proceed, and said he would contact me. As of June 1, 2017, [REDACTED] had not contacted me and was not interviewed.

End of Information.

ADMINISTRATIVE INFORMATION

Subject: Video Surveillance Review

Reported By: Chris Deveau, Sergeant

I reviewed surveillance video from West Valley Detention Center of Search and Uncuff, the Nurse's Station, and Male Intake for May 6, 2017. The video footage showed [REDACTED] enter Search and Uncuff appearing to favor his left leg by not putting full weight on it. After removing his shoes to be searched, [REDACTED] displayed a slight limp. Deputy [REDACTED] contacted [REDACTED] and searched him. [REDACTED] walked from Search and Uncuff to the Nurse's Station under his own power, with a visible limp.

The Nurses Station video showed [REDACTED] seated at the Nurse's Station and being seen by the nurse. [REDACTED] stood near [REDACTED] during his time at the Nurse's Station. The nurse exited the station to examine [REDACTED] and his feet. After the examination [REDACTED] walked away under his own power with an obvious limp.

The Male Intake video showed [REDACTED] when he was removed from a cell and evaluated by a nurse again, and he moved with an obvious limp.

End of Information.

ADMINISTRATIVE INFORMATION

Subject: Dispatch Audio Review

Reported By: Chris Deveau, Sergeant

The radio traffic of Deputy Alejandro Barrero (11P16) broadcasting "one resisting" can be found at 1:26 on the recording. The broadcast by Barrero of "ok we got him detained" can be found approximately 41 seconds later at 2:07 on the recording.

End of Information.

ATTACHMENT A

Subject: Crime Report

Reported By: Chris Deveau, Sergeant

Attached is the Possession of Dangerous Drugs crime report (DR# 111605519) by Deputy Alejandro Barrero.

SUPPLEMENT ☐

15-10803-401 Rev. 11/08 (CR1)		1. CODE SECTION M HS11377(A)		2. CRIME DEFINITION POSSESSION CONTRLED SUBST		3. CASE NO 111605519																																																																															
SHERIFF'S DEPARTMENT COUNTY OF SAN BERNARDINO, CA UNIFORM CRIME REPORT 03600		4. ASSIGNMENT MO-DAY-YEAR-TIME 05/06/2016 03:32		5. ARRIVED MO-DAY-YEAR-TIME 05/06/2016 03:32		6. BEAT RC017																																																																															
8. OCCURRED DAY OF WEEK MO-DAY-YEAR-TIME FRIDAY 05/06/2016 03:32		9. REPORTED MO-DAY-YEAR-TIME 05/06/2016 03:32		10. LOCATION OF OCCURRENCE CITY [REDACTED]		<input type="checkbox"/> Victim Address																																																																															
CODES FOR BOXES 12 & 22 ARE: V = VICTIM W = WITNESS RP = REPORTING PARTY DC = DISCOVERED CRIME IP = INVOLVED PARTY																																																																																					
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	57. PHYSICAL EVIDENCE RECOVERED YES											58. PHOTOGRAPHS TAKEN YES		59. LATENT PRINTS LIFTED NO																																																																							
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	75. PEACE OFFICER ASSAULTED/ARSON IF YES, COMPLETE BOXES 1,2,3,4 AND 34 OR 35 ON CR-4 FORM																																																																																				
	76. SYNOPSIS During a pedestrian check, I discovered [REDACTED] had two outstanding arrest warrants. Incident to arrest, I searched [REDACTED] and located a zip-lock baggie containing methamphetamine in his right front coin pocket.																																																																																				
77. REPORTING OFFICER Alex Barrero		78. EMP # A6154		79. DATE 05/06/2016		80. REVIEWED BY Rafael Ixco		DATE 05/13/2016		81. ROUTED TO <input type="checkbox"/> SUBMIT TO D/A <input type="checkbox"/> OTHER: <input type="checkbox"/> IMMEDIATE FOLLOW UP																																																																											
82. REPORTING OFFICER IS 115 QUALIFIED YES				83. GANG RELATED NO				AB109 NO				HATE CRIME NO																																																																									

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

SUPPLEMENT ☐

CASE NO.

111605519
REPORT AREA

RC017

CODE SECTION HS11377(A)	CRIME POSSESSION CONTROLLED SUBST	CLASSIFICATION MISDEMEANOR
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME
State of California		(FIRM NAME IF BUSINESS) TYPE
ADDRESS	RESIDENCE	PHONE

ASSIGNMENT / ARRIVAL :

On 05-05-16 at 1900 hours, I was assigned to patrol functions in the city of Rancho Cucamonga as 11P16. I was wearing a sheriff's uniform and driving a marked unit. On 05-06-16 at approximately 0332 hours, I conducted a consensual encounter near the intersection of [REDACTED] [REDACTED]. The male was identified as [REDACTED]

RECORDS CHECK / [REDACTED] / DOB: [REDACTED]

I conducted a records check on [REDACTED] and discovered he had two outstanding arrest warrants.

ARREST :

Based on the outstanding arrest warrants, I placed him under arrest. I handcuffed [REDACTED] and doubled locked the handcuffs.

SEARCH :

Incident to arrest, I searched [REDACTED] and located a clear zip-lock bagging containing a crystal like substance suspected to be methamphetamine in his right front coin pocket.

FIELD TEST :

I conducted a field test using a Reagent Marquise test kit. The results tested positive for methamphetamine.

MIRANDA WARNING :

I read [REDACTED] his Miranda warning from my department issued Miranda card. To question #1, [REDACTED] answered, "Yes." To question #2, [REDACTED] answered, "No."

No questions were asked.

CITATION :

I issued [REDACTED] citation #3583587 for H&S 11377(a) - Possession of A Controlled Substance.

TRANSPORTATION :

I transported [REDACTED] to West Valley Detention Center where he was booked.

PHOTOGRAPH :

I took a digital photograph of the methamphetamine and placed it into the DIMS system at the Rancho Cucamonga Sheriff's Station.

EVIDENCE :

I placed the methamphetamine into an evidence locker at the Rancho Cucamonga Sheriff's Station for analysis.

REPORTING OFFICER Alex Barrero	DATE 05/06/2016	REVIEWED BY Rafael Ixco	TYPED BY	ROUTED BY	DATE 05/13/2016
FURTHER ACTION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol		REMARKS		

SHERIFF'S DEPARTMENT COUNTY OF SAN BERNARDINO CALIFORNIA CA 03600				SUPPLEMENT <input type="checkbox"/>		CASE NO. 111605519 REPORT AREA RC017	
CODE SECTION HS11377(A)		CRIME POSSESSION CONTRLED SUBST		CLASSIFICATION MISDEMEANOR			
VICTIM'S NAME - LAST NAME State of California		FIRST NAME 		MIDDLE NAME 		(FIRM NAME IF BUSINESS) TYPEP 	
ADDRESS 				RESIDENCE 		PHONE 	
<u>DISPOSITION :</u> Case cleared by arrest. Forward to district for filing and review.							
REPORTING OFFICER Alex Barrero		DATE 05/06/2016		REVIEWED BY Rafael Ixco		TYPED BY 	
ROUTED BY 		DATE 05/13/2016					
FURTHER ACTION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol			REMARKS 		

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA 03600

SUPPLEMENT ☐

CASE NUMBER

111605519

REPORTING AREA

RC017

EVIDENCE / PROPERTY REPORT

CODE SECTION		RECOVERING DIV / STATION		SUSPECT NAME				
HS11377(A)		SBCSD-[Rancho Cucamonga]						
OWNER OF PROPERTY		ADDRESS		CITY	STATE ZIP			
CASE AGENT		EMPLOYEE NO.		PROPERTY RECOVERED BY				
Alex Barrero A6154		A6154						
ITEM NO.	INVOLVEMENT	CATEGORY	ARTICLE	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL	
101	EVD	2	METHAM		Brand: Description: Approximately 1.0 Grams of Methamphetamine	\$0.00		
					Brand: Description:	\$		
					Brand: Description:	\$		
					Brand: Description:	\$		
					Brand: Description:	\$		
					Brand: Description:	\$		
					Brand: Description:	\$		
					Brand: Description:	\$		
					Total:	\$0.00		
REPORTING DEPUTY		EMPLOYEE NO.		DATE	REVIEWED BY:	PROPERTY OFFICER	EMPLOYEE NO.	DATE
Alex Barrero		A6154		05/06/2016	Rafael Ixcq		10117	

SHERIFF'S DEPARTMENT-COUNTY OF SAN BERNARDINO-CALIFORNIA										SUPPLEMENT <input type="checkbox"/>							
COMPLAINT-DISPOSITION REPORT-PROPERTY RELEASE										1. CASE NUMBER-STATION							
2. CODE SECTION		3. CRIME DEFINITION			4. CLASSIFICATION					111605519							
HS11377(A)		POSSESSION CONTRLED SUBST			MISDEMEANOR												
VICTIM	5. VICTIM NAME/OTHER LAST, FIRST, MIDDLE (FIRM NAME OF BUSINESS)			6. ADDRESS STREET, CITY, ZIP			RESIDENCE		BUSINESS		7. PHONE NUMBER						
	TYPE P			A:			S:		Z:								
	State of California																
SUSPECTS	8. SUSPECT NAME 1 LAST, FIRST, MIDDLE			TYPE P		9. RACE/SEX	10. AGE	11. HEIGHT	12. WEIGHT	13. HAIR	14. EYES	15. DOB					
	A:					H /	39	511	170	BLK	BRO						
	16. RESIDENCE ADDRESS STREET, CITY ZIP			S: Ca		Z: 91730		16. CLOTHING & OTHER IDENTIFYING MARK/CHARACTERISTICS									
CRIMES	18. SUSPECT NAME 2 LAST, FIRST, MIDDLE			TYPE P		19. RACE/SEX	20. AGE	21. HEIGHT	22. WEIGHT	23. HAIR	24. EYES	25. DOB					
	A:																
	26. RESIDENCE ADDRESS STREET,			S:		Z:		27. CLOTHING & OTHER IDENTIFYING MARK/CHARACTERISTICS		28. ADD'L NAMES							
STATES	29. ROBBERY NUMBER			LOCATION													
	30. ASSAULTS WEAPON:																
	31. BURGLARY																
ARSON	32. LARCENY																
	33. PROPERTY TYPES AND VALUE		CURRENCY NOTES		\$	RECOVERED		TV, STERO, ETC		\$	RECOVERED		CONSUMABLE GOODS		\$	RECOVERED	
			JEWELRY		\$			FIREARMS		\$			LIVESTOCK		\$		
OFFICER			CLOTHING, FURS		\$			HOUSEHOLD GOODS		\$			OTHER MISC		\$		
			OFFICE EQUIP		\$			NCIC ENTRY COMPLETED		\$ <input type="checkbox"/>			TOTAL PROPERTY RECOVERED		\$		
ASSIST	34. ARSON TYPES AND VALUE		SINGLE RESIDENCE		\$	PROPERTY VALUE		INDUSTRIAL/MANUF		\$	PROPERTY VALUE		OTHER STRUCTURES		\$	PROPERTY VALUE	
			OTHER RESIDENCE		\$			OTHER COMMERCIAL		\$			MOTOR VEHICLE		\$		
			STORAGE		\$			PUBLIC BUILDINGS		\$			OTHER MOBILE		\$		
COMPLAINANT													TOTAL OTHER LOST		\$		
	35. PEACE OFFICER											INJURIES: blank					
	WEAPONS:											ASSIGNMENT:					
DISPO	TYPE OF ACTIVITY:																
	36. COMPLAINT INFORMATION					37. DATE		38. DEPUTY DISTRICT ATTORNEY			39. CHARGES FILED						
	<input type="checkbox"/> CASE REVIEWED AND COMPLAINT FILED																
PROPERTY	<input type="checkbox"/> COMPLAINT REJECTED - SEE REJECTION SLIP																
	40. VICTIM/WITNESSES RECONTACTED					<input type="checkbox"/> CASE REVIEWED AND FOUND TO BE COMPLETE, LETTER					41. DATE						
	<input type="checkbox"/> VICTIM(S) SENT					<input type="checkbox"/> NO NEW LEADS, INFORMATION, OR SUBJECTS IDENTIFIED											
DISPO	<input type="checkbox"/> WITNESS(ES)					<input type="checkbox"/> VICTIM ADVISED THAT PROSECUTION NO LONGER DESIRED											
	<input type="checkbox"/> NEIGHBORHOOD/AREA CHECKED																
	42. COMMENTS																
DISPO	Case cleared by arrest. Forward to district attorney for filing and complaint.																
	COMMENTS																
	I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM THE LEGAL OWNER AND ENTITLED TO TAKE POSSESSION OF SAID PROPERTY.																
DISPO	DRIVER'S LICENSE NUMBER					MISCELLANEOUS											
DISPO	43. DISPOSITION:																
	CASE CLEARED BY ARREST																
	44. REPORTING OFFICER					45. EMP#		46. DATE		47. REVIEWED BY			DATE				
DISPO	Alex Barrero					A6154		05/06/2016		Rafael Ixco			05/13/2016				

Detailed History for Police Inc# #RC161270044 As of 5/06/2016 04:40:13

Output for: A6154

Priority:2 Type:11377A - POSS CNTL SUBST

Location: [REDACTED], RCC

LocCross: [REDACTED]

Map:603 5C

Created: 05/06/2016 03:32:11 EC08 F6695

Entered: 05/06/2016 03:32:11 EC08 F6695

Dispatch: 05/06/2016 03:32:27 EC08 F6695

Enroute: 05/06/2016 03:32:27 EC08 F6695

Onscene: 05/06/2016 03:32:27 EC08 F6695

Control: 05/06/2016 03:42:27 EC07 E2161

Transprt: 05/06/2016 03:32:33 EC08 F6695

Complete: 05/06/2016 03:36:24 MRCP32 [REDACTED]

Closed: 05/06/2016 04:32:08 MRCP27 A6154

IC: PrimeUnit:11P16 Dispo:ARR Type:11377A - POSS CNTL SUBST

Jur:RC Group:RC Squad Area:RC5 RptDist:RC017

Case #:RCR1605519 Detail

03:32:11 -CREATE Location: [REDACTED], RCC Type:415 Inf/Name: [REDACTED]

Phone: [REDACTED] Group:RC RD:RC017 TypeDesc:DISTURBANCE LocCross: [REDACTED]

[REDACTED] Priority:2 Response:1PAT Jur:RC Map:603 5C LocType:S RPCont:Phone Contact

03:32:11 -ALI E911Phne: [REDACTED] E911Pilot: [REDACTED] E911Add: [REDACTED]

[REDACTED] XX E911Subs: [REDACTED] 4 E911Src: [REDACTED] Tower: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ClosestInt: [REDACTED] InterDesc: [REDACTED]

03:32:11 -ALI E911Phne: [REDACTED] 3 E911Pilot: [REDACTED] E911Add: [REDACTED]

[REDACTED] XX E911Subs: [REDACTED] 1Src: [REDACTED] Tower: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] POUNDING ON HER NEIGH'S
DOOR// RP SAYS THE SUBJ DID THE SAME THING YESTERDAY

03:32:11 -MISC Text:AIRED

03:32:11 -MISC 11P16 Text:ONE RESISTING, C33 GIVEN

03:32:11 -MISC 11X1 Text:ENR CODE FROM 19

03:32:11 -MISC 11P16 Text:DETAINED, C33 LIFTED, 11X1 TO REDUCE

03:32:11 -CHANGE Location: [REDACTED], RCC--> [REDACTED], RCC

03:32:11 -MISC 11P16 Text:SUBJ RESISTING WAS NOT RELATED
03:32:11 CLONE F6695/EC08 Type:415-->11377 TypeDesc:DISTURBANCE-->POSS DANG DRUGS
03:32:11 -XREF Service:P Inc#:RC161270041 Type:415 Jur:RC
03:32:11 -PREMIS Text:CE, PPR
03:32:14 SELECT
03:32:27 DISPOS 11P16 Operator:A6154 OperNames:BARRERO,ALEJANDRO,RC
03:32:27 DISPOS 11R14 Operator: OperNames:
03:32:27 -PRIU 11P16
03:32:33 TRANSP 11R14 Location:West Valley Detention Center
03:34:20 *CHANGE A6154/MRCP27 11P16 Type:11377-->11377A CAS:0184 TypeDesc:POSS DANG
DRUGS-->POSS CNTL SUBST
03:34:20 *CASE 11P16 Case#:RCR1605519
03:36:24 *CMPLT /MRCP32 11R14 Location:WVDC
03:42:27 OK E2161/EC07 11P16
04:05:08 *CLEAR E3912/MRCP32 11R14
04:09:04 OK E2161/EC07 11P16
04:32:08 *CLEAR A6154/MRCP27 11P16 Dispo:ARR DispoLevel:0 Text:DURING A SUBJECT CHECK, I
LOCATED METHAMPHETAMINE IN THE SUBJECTS RIGHT FRONT COIN POCKET. WVDC.
04:32:08 -CLEAR
04:32:08 *CLOSE

CONTACT INFO: Inf/Name Phone InfAdd RPCont Language HBD/HS RPAimed

Phone Contact

Detailed History for Police Inc# #RC161270041 As of 4/03/2017 09:50:26

Output for: D1944

Priority:2 Type:415 - DISTURBANCE

Location: [REDACTED] RCC

LocCross: [REDACTED]

Map: [REDACTED]

Created:	05/06/2016 03:05:35	EC22	[REDACTED]
Entered:	05/06/2016 03:08:08	EC22	[REDACTED]
Dispatch:	05/06/2016 03:09:05	EC07	[REDACTED]
Enroute:	05/06/2016 03:09:05	EC07	[REDACTED]
Onscene:	05/06/2016 03:14:38	MRCP09	[REDACTED]
Control:	05/06/2016 03:42:27	EC07	[REDACTED]
Transprt:	05/06/2016 03:30:26	MRCP32	[REDACTED]
Closed:	05/06/2016 03:49:51	MRCP09	[REDACTED]

IC: PrimeUnit:11R11 Dispo:NAT Type:415 - DISTURBANCE

Jur:RC Group:RC Squad Area:RC5 RptDist:RC017 ☐ Detail

03:05:35pdt CREATE Location: [REDACTED] RCC Type:415 Inf/Name: [REDACTED] Phone: [REDACTED]
 [REDACTED] Group:RC RD:RC017 TypeDesc:DISTURBANCE LocCross: [REDACTED]
 [REDACTED] CT Priority:2 Response:1PAT Jur:RC Map:603 5C LocType:S RPCont:Phone
 Contact

03:05:35 ALI E911Phne: [REDACTED] E911Pilot: [REDACTED] E911Add: [REDACTED],XX
 E911Subs: [REDACTED] 4 E911Srce: [REDACTED]

03:05:35 ALIGEO [REDACTED]
 03:05:35 ALIGEO [REDACTED]

03:05:55 ALI E911Phne: [REDACTED] E911Pilot: [REDACTED] E911Add: [REDACTED],XX
 E911Subs: [REDACTED]

03:05:55 ALIGEO [REDACTED]

03:08:08 ENTRY Text:RP SAYS THERE IS A HMA UNK CLOTHING POUNDING ON HER NEIGH'S
 DOOR// RP SAYS THE SUBJ DID THE SAME THING YESTERDAY

03:08:08 -PREMIS Text:CE

03:08:22 HOLD

03:08:23 NOMORE

03:09:00 MISC Text:AIREED

03:09:05 DISPER 11P16 Operator:A6154 OperNames:BARRERO,ALEJANDRO,RC

03:09:05 -PRIU 11P16

03:09:16 *ASSIST 11R11 CalSgn:11P16 Operator [REDACTED] OperNames: [REDACTED]

03:09:21 *ASSIST 11P12 CalSgn:11P16 Operator [REDACTED] OperNames: [REDACTED]

03:09:41 *ASSIST 11R14 CalSgn:11P12 Operator [REDACTED] OperNames: [REDACTED]
 [REDACTED],BA

03:09:53 PRMISE Location: [REDACTED] RCC PremType:CE

03:14:38 *ONSCN 11R11

03:14:47 *ONSCN 11P16

03:17:11 *ONSCN 11P12

03:18:01 *ASSIST 11X1 CalSgn:11P16 Operator [REDACTED] OperNames [REDACTED]
 03:18:07 *ASSIST 11P13 CalSgn:11P16 Operator [REDACTED] OperNames [REDACTED]
 03:18:11 MISC 11P16 Text:ONE RESISTING, C33 GIVEN
 03:18:30 MISC 11X1 Text:ENR CODE FROM 19
 03:18:47 *CLEAR 11X1
 03:18:47 MISC 11P16 Text:DETAINED, C33 LIFTED, 11X1 TO REDUCE
 03:19:56 RFT 11P16 Text:INQUIRY SNS [REDACTED],M [REDACTED],,,X,X,X,X,,,,,
 03:20:18 LOGM 11P16 Message:021605061020002869 MessageType:HTML Received:05/06/2016 03:19:57
 Text:1035 X 2
 03:20:25 LOGM 11P16 Message:021605061020002870 MessageType:Text Received:05/06/2016 03:20:19
 Text:27
 03:20:58 1015 11P16
 03:22:40 *PRMPT 11P13 Text:Preempted and dispatched to call #RC161270042
 03:23:48 BACKOS 11S5 CalSgn:11P16 Operator [REDACTED] OperNames [REDACTED]
 03:27:03 CHANGE Location [REDACTED] RCC--> [REDACTED],RCC
 03:27:03 -PREMIS Text:CE
 03:27:09 CLOS 11R11
 03:30:12 *ONSCN 11R14
 03:30:26 *TRANSP 11R14 Location:WVDC
 03:32:01 MISC 11P16 Text:SUBJ RESISTING WAS NOT RELATED
 03:32:11 -XREF Service:P Inc#:#RC161270044 Type:11377 Jur:RC
 03:32:27 PRMPT 11P16 11R14 Text:Preempted and dispatched to call #RC161270044
 03:32:27 -PRIU 11R11
 03:35:54 *CLEAR 11P12
 03:35:58 *CLEAR 11S5
 03:42:27 OK 11R11
 03:49:51 *CLEAR 11R11 Dispo:NAT Text:RP HEARD ONLY AND DID NOT SEE SUBJ TONIGHT. SUBJ
 WAS POUNDING ON NEIGHBOR'S TO THE NORTH DOOR. UNK IF IP THAT RAN
 WAS SUBJ OR NOT.
 03:49:51 -CLEAR
 03:49:51 *CLOSE

CONTACT INFO:

Inf/Name	Phone	InfAdd	RPCont	Language	HBD/HS	RPArmed
[REDACTED]	[REDACTED]	[REDACTED]	Phone Contact	[REDACTED]	[REDACTED]	[REDACTED]

Message From Terminal/Unit: CLETS Operator: CLETS(CLETS)

Requested By:

Date/Time Sent: 06-MAY-2016 04:41:29

[REDACTED]

END

Date/Time Sent: 06-MAY-2016 04:45:38

Date/Time Sent: 06-MAY-2016 04:45:38

[illegible]

[illegible]

■■■■■



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

* * * END OF MESSAGE * * *

County of San Bernardino Sheriff's Office **2593587**
NOTICE TO APPEAR

Date of Violation **5-6-16** Time **3:30** P.M. **111605519**

Name (First, Middle, Last) **[REDACTED]**

City **REH CUCAMONGA** State **CA** ZIP Code **91730**

Driver Lic. No. **B6660108** State **CA** Class **-** Age **39** Sex **M** Race **BLK** Height **5-11** Weight **170** Eyes **BRN** Hair **BLK**

Veh. Lic. No. **[REDACTED]** Make **[REDACTED]** Model **[REDACTED]** Year of Veh. **[REDACTED]**

Color **[REDACTED]** Body Style **[REDACTED]** Hazardous Material **[REDACTED]**

Evidence of Intentional Responsibility **[REDACTED]**

Registered Owner **[REDACTED]** Address **[REDACTED]**

City **[REDACTED]** State **[REDACTED]** ZIP Code **[REDACTED]**

Correctable Violation (Veh. Code) **[REDACTED]** Booking Required (see rev. no.) **[REDACTED]**

Yes No Code and Section **HAS 11377(C)** **[REDACTED]**

POSS. CONT. SUBSTANCE. **[REDACTED]**

[REDACTED] **[REDACTED]**

Speed Approx. **[REDACTED]** P.M. Max. Spd. **[REDACTED]** Veh. Lic. **[REDACTED]** State **[REDACTED]** F. Ref. Lic. **[REDACTED]** Cont. Fees Issued **[REDACTED]**

Location of Violation: **[REDACTED]** City of Occurrence **[REDACTED]**

Weather, Road, & Traffic Conditions **[REDACTED]**

Ch. Fog Rain **[REDACTED]** Wet Dry Other **[REDACTED]** I. Med. Hwy **[REDACTED]**

Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

A. BARRERO **AB154** **[REDACTED]**

Date **5/6/16** **A. BARRERO** **AB154** **[REDACTED]**

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW

WHEN Date **7-7-16** Time **8:00** **[REDACTED]** P.M.

COURT Date **[REDACTED]** Time **[REDACTED]** P.M.

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE BACKSLIP.

WHERE COURT **RANCHO SUPERIOR COURT**

ADDRESS **8333 N. HAVEN AVE**

PHONE **CUCAMONGA**

TO BE NOTIFIED BY JUVENILE COURT TRAFFIC DIVISION

COURT COPY

Booking No. [REDACTED]
Date/Time Booked [REDACTED]
SSN [REDACTED]
DL/ID No. [REDACTED] State [REDACTED]

San Bernardino County Sheriff's Department

ARREST/BOOKING APPLICATION

DR/Case No. [REDACTED]
Arresting Agency [REDACTED]
Date of Arrest [REDACTED]
Time of Arrest [REDACTED]

Name		Last		First		Middle		Suffix	
Sex	DOB	Age	Alt	Wgt	Hair	Eyes	Color of Eyes	Place of Birth	Country of Birth
Arresting Officer									
Address - No and Street					City		State		Zip
Arresting Agency/Partner					Main Phone		Home Phone		Cell Phone
Employer					Employer Address		Employer Phone		Employer Fax
Current Description									
Any prior or on Book?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Name of Partner (if married or cohabiting)		Date of Birth		Place of Birth	
OR Release?		<input type="checkbox"/> Yes <input type="checkbox"/> No							
Place of Arrest									
License No. (if vehicle)					Make				
BOOKING CHARGES									
Type	Charge	ARREST TYPE	S = On Site	W = Warrant	M = Misd	C = Citizen	Q = Other	Warrant #	Book
		Definition							
Other Agency hold (C.F. INS, etc.)		Agency jurisdiction		Case Section		Arrest No.			
Any injuries or illnesses?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Any required medical?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Type of injury (if any) or medical condition	
Medical Examination Prior to Booking?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Mugshot taken?		If yes, attach mugshot to booking			
Fugitive or Law Enforcement?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Fugitive with other than Law Enforcement?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Type of Fugitive: <input type="checkbox"/> LVR <input type="checkbox"/> Fugitive <input type="checkbox"/> Other <input type="checkbox"/> Other	
								If detained, attach to booking <input type="checkbox"/> Yes <input type="checkbox"/> No	

Special Instructions and Mandatory Information

Emergency Notification	
Name Relationship	Home & Cell Phone
Address	
Name Relationship	Home & Cell Phone
Address	
Amount of Money	\$ [REDACTED]
Arresting/Transporting Officer signature	
Additional Comments	
Arresting Officer	
Transporting Officer	
Agency	
If Inmate Agency or Investigating Officer Contact: Please Note (Required for all arrests to sign Profile release notification)	
Agency's Law Notification / Agency	
Agency Contact Time and Date	Who was contacted?
	By whom

TATTOOS/SCARS:	
DESCRIPTION (Indicate any gang tattoos)	
-EST-	
BACK	
NECK	
HEAD	
FACE	
EARS	
EYES	
MOUTH	
HANDS	
FEET	



ADULT DISPOSITION OF ARREST AND COURT ACTION

JUS 8715 (rev. 2/05)

☐ Corrected Copy

A. LAW ENFORCEMENT

Name (last, first, middle)		DOB (mm-dd-yyyy)	Age	Cit #
[REDACTED]		[REDACTED]	39	[REDACTED]
Sex	DOB	DOB	DOB	DOB
M	M	M	M	M
5	11	M	HIS	
Arrest Date (mm-dd-yyyy)	Arresting Agency	Booking Agency		
05-06-2016	CASO - SAN BERNARDINO	CASO - SAN BERNARDINO		
Law Enforcement #	Case #	Crime Report #	Remarks	
[REDACTED]	3583587	111605519		

1									
2									
3									
4									

Type of Event: ☐ Arrest ☐ Citation ☐ Letter/Notice to Appear ☐ Court Ordered Booking

B. PROSECUTION

Date (mm-dd-yyyy)	<input type="checkbox"/> 1203.2 PC - In Lieu of Filing <input type="checkbox"/> Refiled - Original Case Dismissed	Original Court Judicial District No	Original Court Case Number

C. COURT

Date Filed (mm-dd-yyyy)	Judicial District No	File No	Consolidated File No	Type of Trial <input type="checkbox"/> Jury <input type="checkbox"/> Court <input type="checkbox"/> Transcript

1									
2									
3									
4									

D. PROCEEDINGS SUSPENDED

Date (mm-dd-yyyy)	<input type="checkbox"/> Bench Warrant Issued <input type="checkbox"/> Diversion <input type="checkbox"/> 1000-1000.5 PC - Drug Court Program / Deferred Entry of Judgement	<input type="checkbox"/> 707.2 Wt - 90 Day Observation <input type="checkbox"/> 1203.03 PC - 90 Day Observation	<input type="checkbox"/> 1365/1370 PC - Found Mentally Incompetent - Committed <input type="checkbox"/> 3050 Wt - Narcotics Commitment <input type="checkbox"/> 3051 Wt - Narcotics Commitment

E. SENTENCE

Date of Sentence (mm-dd-yyyy)	Condition of Probation: <input type="checkbox"/> Firearm Prohibited - 12021(d) PC <input type="checkbox"/> Drug Treatment Program - 1210.1 PC	Remarks

1									
2									
3									
4									

F. ADMONISHMENTS & WAIVERS

(Required for Conviction)		(Required for "Guilty" or "Not" plea)	
<input type="checkbox"/> Defendant waived counsel	<input type="checkbox"/> Defendant represented by counsel	Defendant was advised of and understood:	Yes No

G. CLERK OF THE COURT'S CERTIFICATION

Defendant was advised of, understood and waived:		Yes	No
• Charges and direct consequences of plea		<input type="checkbox"/>	<input type="checkbox"/>
Defendant was advised of, understood and waived:			
• Privilege against compulsory self incrimination		<input type="checkbox"/>	<input type="checkbox"/>
• Right to confront and cross examine witnesses		<input type="checkbox"/>	<input type="checkbox"/>
• Right to trial by jury		<input type="checkbox"/>	<input type="checkbox"/>
Court found admission was knowledgeable, intelligently made and voluntary		<input type="checkbox"/>	<input type="checkbox"/>
Defense counsel concurred in defendant's admission		<input type="checkbox"/>	<input type="checkbox"/>

COPIES: DOJ-Orange; ARREST AGENCY-Navy; COURT-Green

NAME OF COURT: Rancho Cucamonga Superior Court	
STREET ADDRESS: 8303 Haven Ave	
MAILING ADDRESS:	
CITY AND ZIP CODE: Rancho Cucamonga, CA 91730	
BRANCH NAME:	
TELEPHONE:	
PEOPLE OF THE STATE OF CALIFORNIA vs.	
DEFENDANT: [REDACTED]	
NOTICE OF CORRECTION AND PROOF OF SERVICE (Vehicle Code, § 40505)	
AMENDING OFFICER NAME/ID NO.: S. Truesdell/A8541	DEPARTMENT/AGENCY: SBSD/Rancho Cucamonga
CITATION NUMBER: 3583687	CASE NUMBER: 111805519

1. A Notice to Appear/Notice to Correct Violation was issued to you by an officer of this department on (date): **05/06/2016**
2. The citation issued to you contained an error as indicated by the items checked below. This notice of correction does not affect the validity of the citation or the required court appearance.
 - ☐ Date/time of violation should be _____
 - ☒ Date/time of court appearance should be changed
 from **07/07/2016 @ 0800** to **08/11/2016 @ 0800**
 - ☐ Violation section(s) should be changed
 from _____ to _____
 - ☐ Location of violation should be changed
 from _____ to _____
 - ☐ Other (specify): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **06/10/2016**

S. Truesdell

(Signature of Officer)

Form Adopted for Mandatory Use
Judicial Council of California
TR-100 (Rev. January 1, 2004)

13-20920-401 Rev. 7/08

FOLD HERE

I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place. My business address is: **10510 Civic Center Dr, Rancho Cucamonga, CA 91730**

On (date): **06/10/2016**, I served this Notice of Correction on the parties at the address listed below by depositing in a sealed envelope, postage prepaid, with the United States Postal Service at (city and state): **Rancho Cucamonga, CA**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **06/10/2016**

S. Truesdell

(Type or Print Name)

(SIGNATURE)

Original to Court

Defendant's Address:

Rancho Cucamonga, CA 91730



**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION**

711 E. Rialto Avenue, San Bernardino, CA 92415

(909) 387-9980 fax: (909)-387-9964

- An ASCLD/LAB Accredited Laboratory (since December 9, 1995) -



REPORT ON THE EXAMINATION OF CONTROLLED SUBSTANCES

LIMS #: 16-06888-N-01

DR/Agency #: 1605519-11

Agency/Station: SBCSD - Rancho Cucamonga Station
Officer: BARRERO, ALEJANDRO A6154
Offense: Controlled Substances
Date of Offense: May 6, 2016
Filing Court: Rancho Cucamonga - San Bernardino Superior Court

DEFENDANT(S): [REDACTED]

Evidence

<u>Barcode</u>	<u>LIMS Evidence #</u>	<u>Evidence Description</u>
1611002991	16-06888.A.1	white powder

Storage of evidence is the responsibility of the San Bernardino County Sheriff's Central Property and Evidence Unit. Unless otherwise stated, the evidence has been released to the control of Sheriff's Central Property and Evidence Unit for storage or disposition.

Disposition of Evidence: All evidence will be destroyed one year from the date of receipt, unless the San Bernardino County Sheriff's Central Property and Evidence Unit is notified by the submitting agency or district attorney.

Results

16-06888.A.1: The white powder, 0.04 gram net weight, contain(s) cocaine. Preliminary testing indicates it is not in the base form.

Analyst: Jason McCauley
Title: Criminalist II
Signed On: May 17, 2016 02:22:54 PM

Original A

C/R - CLTE/RE

Book Date:

DR No:

Court

Court: RCSI

Arrest

Arrest Date:

Arrest Agy:

Arrested At:

Ch

HS11377(A)

J PEREZ

st Off: BARRERO

Off: BARRERO

ments:

Of Vehicle:

Type

? MISD

?

?

?

?

ATTACHMENT B

Subject: Claim Against the County

Reported By: Chris Deveau, Sergeant

Attached is the Claim Against the County and response (#124150) written by Sergeant [REDACTED]

Investigated By:
Sergeant Chris Deveau, Internal Affairs Division



Interoffice Memo

DATE: October 15, 2016

PHONE: (909) 477- [REDACTED]

FROM: [REDACTED] Sergeant
Rancho Cucamonga Station

TO: Danielle Boldt, Captain
Rancho Cucamonga Station

SUBJECT

Claim Against the County [REDACTED] [REDACTED]

CLAIMANT:

[REDACTED] is 38 years of age, DOB [REDACTED] His address is [REDACTED] [REDACTED] Rancho Cucamonga, CA. He has no phone number. [REDACTED] was booked at the West Valley Detention Center on May 6, 2016 at 0414 hours and released May 7, 2016 at 0034 on a Bail Bond. His booking number is [REDACTED]

DATE AND TIME OF INCIDENT:

May 6, 2016 at 0318 hours.

LOCATION OF INCIDENT:

[REDACTED], Rancho Cucamonga, CA.

AMOUNT OF CLAIM:

\$25,001 and up

INVOLVED EMPLOYEES:

Deputy Alex Barrero #CA6154

Deputy [REDACTED]

Deputy [REDACTED]

ALLEGATIONS:

The claimant alleged while outside his apartment at the above location in the city of Rancho Cucamonga he was tackled from behind by several deputies as he tried to walk back into his apartment. Claimant alleged the actions of the deputies caused a fracture and torn ligaments in his lower left leg. Claimant further alleged the deputies forced him to walk on his fractured leg and denied him medical attention for 8-10 hours.

RESPONSE TO ALLEGATIONS:

After speaking with the involved department personnel, reviewing the jail intake video and obtaining a medical summary from the Sheriff's Health Services Division, the following information was obtained.

On May 6, 2016 at about 0305 hours, uniformed deputies from the Rancho Cucamonga Station were dispatched to [REDACTED] regarding an unknown Hispanic male knocking on apartment doors. When deputies arrived they located a male matching the description, later identified as [REDACTED], walking out the front gate of the complex toward [REDACTED]. When deputies attempted to contact [REDACTED] he took off running. Just as deputies began to run after [REDACTED] he tripped over a curb and fell to the ground. The deputies caught up to [REDACTED] and placed themselves on top of him in a felony handcuffing position. The deputies ordered [REDACTED] to put his hands behind his back, but he would not comply and kept his hands under his chest between his body and the ground. After a short time, [REDACTED] hands were moved behind his back and he was handcuffed without further incident. [REDACTED] then stood up and walked to a nearby patrol car under his own power. At about 0345 hours, [REDACTED] was transported to the West Valley Detention Center to be booked for his outstanding arrest warrants as well as the illegal drugs in his possession.

Upon arrival at the jail around 0400 hours, [REDACTED] underwent the booking process. As part of the process, a registered nurse examined and questioned [REDACTED] in the intake area of the jail. While speaking with the nurse, [REDACTED] reported that he fell, but denied having any injuries. Upon completion of the health screen, [REDACTED] was placed in a sobering cell due to his level of intoxication. Approximately 5 hours later, [REDACTED] reported to medical staff that he was in pain and felt his ankle may be broken. [REDACTED] was immediately taken to a physician and an x-ray was taken. When a fracture was confirmed, he was treated, given crutches and pain medication.

At no time during the arrest of [REDACTED] was he tackled by deputies as he alleged in the claim. [REDACTED] tripped and fell while running from law enforcement and was taken into custody. Once in custody, [REDACTED] stood and walked to a patrol car without issue. Upon arrival at the jail, [REDACTED] walked into the facility on his own and can be seen on department video walking through the intake area without issue. In his claim [REDACTED] alleged he was denied medical attention for 8-10 hours after his arrest, however according to the medical summary, a health screen was conducted on [REDACTED] at 0400 hours by medical staff, 15 minutes after his arrest.

RECOMMENDATION:

[REDACTED] claim should be denied. All department policies and procedures were followed by the involved deputies and medical staff. No violations of California or Federal Law were found. The claimant's allegations were determined to be unfounded.

ATTACHMENTS:

Copy of claim

Copy of crime report (DR# 111605519)

Copy of call history

Medical summary from WVDC Health Services Division

CD containing video of WVDC Intake from 05/06/16

CD containing photos of the incident location

INTEROFFICE MEMO



DATE October 5, 2016
 FROM Joe Cusimano, Undersheriff
 Office of the Sheriff

PHONE 387-
 MAIL CODE 0061

TO Danielle Boldt, Captain
 Rancho Cucamonga

RETURN COMPLETED RESPONSE
 DIRECTLY TO CIVIL LIABILITIES

SUBJECT CLAIM AGAINST THE COUNTY

A claim against the county has been filed by the above named individual.

P

Please forward copies of all reports and memorandums pertaining to this incident and submit your recommendations.

Please check the appropriate location designation and respond within ten (10) working days of receipt of this claim.

—		Executive Staff	44001	—	34	W.V.D.C	44770
—	01	Central	44310	—	34	W.V.D.C. Maintenance.	44753
—	02	Chino Hills	44370	—	34	W.V.D.C. Health	44783
—	03	Fontana	44320	—	35	G.H.R.C. Women's	44760
—	04	Yucaipa County	44360	—	40	Aviation	44601
—	05	Twin Peaks	44340	—	41	Range	44111
—	06	Big Bear County	44420	—	41	Academy (students)	44040
—	07	Victor Valley	44450	—	41	Academy (personnel)	44110
—	08	Barstow	44410	—	41	E.V.O.C	44120
—	09	Morongo Basin	44440	—	42	CAL I.D	44240
—	10	Colorado River	44430	—	42	Scientific Investigations	44230
—	* 11	Rancho Cucamonga	44330	—	42	CAL DNA	44241
—	* 12	Grand Terrace	44315	—	42	Crime Lab	44242
—	* 13	Highland	44316	—	42	Sheriff's Auction	44234
—	* 14	Yucaipa City	44365	—	43	Records	44030
—	* 15	Loma Linda	44317	—	44	Computer Services	44054
—	* 16	Big Bear City	44425	—	44	Communications	44050
—	* 17	Victorville City	44455	—	44	CAD/RMS	44056
—	* 18	Apple Valley	44457	—	46	Field Support	44020
—	* 19	Hesperia	44456	—	46	Automotive	44013
—	* 20	29 Palms	44445	—	47	Bureau of Admin	44010
—	* 21	Needles	44435	—	48	Emergency Services	44180
—	* 22	Chino Hills City	44375	—	49	Employee Development	44125
—	* 23	Yucca Valley	44446	—	49	Employee Services	44180
—	30	C.D.C.	44710	—	50	Community Liaison	44003
—	31	Transportation	44747	—	51	Civil Liabilities	44008
—	32	G.H.R.C	44720	—	52	Medial Relations	44006
—	32	G.H.R.C. Inmate Welfare	44705	—	53	Research and Planning	44005
—	32	G.H.R.C. Work Release	44724	—	54	Volunteer Forces	44620
—	32	G.H.R.C. Food Service	44732	—	60	Specialized Detectives	44220
—	32	G.H.R.C. Maintenance	44725	—	62	Narcotics	44250
—	32	G.H.R.C. Health	44782	—	62	H.I.D.T.A	44270
—		Forestry	44820	—	63	Professional Standards	44004
—		Publio Gathering	44912	—	65	I.R.N.E.T	44260
—		Court Services	40100	—	66	Crime Analysis	44205

* INDICATES CITY STATION



Interoffice Memo

DATE: October 4, 2016

PHONE: 386- [REDACTED]

EB

FROM: ERIC BROOME, SUPERVISING LIABILITY CLAIMS REPRESENTATIVE
DEPARTMENT OF RISK MANAGEMENT

TO: BRETT WILLIAMS-SHERIFF/CIVIL LIABILITIES

SUBJECT: [REDACTED] V. COUNTY OF SAN BERNARDINO, ET AL.

The attached copy of the following claim is being referred to you for further investigation and recommendation.

CLAIMANT..... [REDACTED]
DATE OF LOSS..... 05/06/2016
CLAIM NO..... [REDACTED]

If your Department has reports, memos or photographs relating to the allegations of the claimant, please send a copy of them along with your memorandum and recommendation. Please respond within thirty (30) working days.

Please review your computer workstations, servers or media storage devices for all forms of electronic media, as well as printed media, that may relate to this claim. To the extent that such media exists, you are obligated to retain that media in anticipation of litigation. Please note that you are also obligated to retain any future media, electronic or otherwise, that may pertain to this claim. As a result, you must suspend any document destruction policy or computer operation that may auto-delete and/or overwrite that electronic media. Please note that the failure to retain that media or the failure to suspend destruction of that media may result in civil or criminal penalties.

Please also advise us immediately if this incident involved any vendor, contract, grant, contract employees or any member of the general public working on behalf of or representing the County.

You should retain a copy of this memo for future reference.

Please direct your response, questions or comments to the adjuster handling this claim on behalf of the County of San Bernardino, Richard Castanon (909)386-[REDACTED]. Thank you for your assistance.

SEP 21 2016

CLAIM AGAINST COUNTY OF SAN BERNARDINO
(CLAIM FORM MUST BE FILLED OUT PROPERLY OR CLAIM WILL BE RETURNED WITHOUT FILING)



DATE: 09/16/2016

Claim is hereby made against the treasury of the County of San Bernardino, State of California, as follows:

- Less than \$10,000 – State the total amount claimed \$ _____
- More than \$10,000 – Check one of the boxes:
☐ Municipal Court Jurisdiction (\$10,000 - \$25,000) ☒ Superior Court Jurisdiction (\$25,001 and up)

Claimant makes the following statements in support of the claim:

1. Name of Claimant: _____
First Middle Last (Area Code and Phone No.)

2. Address of Claimant: _____
Street City Zip Code

3. Notices concerning claim should be sent to:
 York & Garvey 137 N. Larchmont Blvd., #506, Los Angeles, CA 90004 (866) 908-2121
Name Address Zip Code (Area Code and Phone No.)

4. Circumstances giving rise to claim are as follows: _____
Claimant was outside of his apartment when several San Bernardino Deputy Sheriffs arrived
Claimant started to walk back into his apartment when the deputies tackled him from behind
causing a fracture and torn ligaments to his left lower leg. The deputies denied him medical
care for approximately 8-10 hours and forced him to walk on a fractured leg.

5. Date, Time and Place (city, street, cross-street) damage occurred and nature thereof: _____
May 6, 2016, approximately 1:30 a.m., _____

6. Public property and/or public officers or employees causing injury, damage or loss: _____
The names of the deputy sheriffs are unknown at this time.

7. Name, address and telephone number of witnesses: _____
Unknown

8. Basis of computation of claimed amount is as follows:

Medical expenses to date _____	Loss wages _____
Estimated future medical expenses _____	General damages _____
Other expenses _____	Property damage _____
Other damages _____	

 Claimant or Representative (Signature)

RETURN COMPLETED FORM TO:

Risk Management Division – County of San Bernardino, State of California
 222 W. Hospitality Lane, 3rd Floor
 San Bernardino, CA 92415-0016

Office: (909) 386-6631
 Fax: (909) 382-3212

07-8387-286

LAW OFFICES OF
YORK & GARVEY
137 N. LARCHMONT BOULEVARD, #506
LOS ANGELES, CALIFORNIA 90004
TELEPHONE (866) 908-2121
TELECOPIER (877) 221-3306

September 16, 2016

Risk Management Division
County of San Bernardino
222 W. Hospitality Lane, 3rd Floor
San Bernardino, CA 92415-0016

RE: Claim for Damages

To Whom It May Concern:

Please file the enclosed Claim and return a conformed copy
in the enclosed self-addressed stamped envelope.

Sincerely,



Darrell J. York

IN REPLY, PLEASE REFER TO
CLERK'S OFFICE

2016 SEP 21 PM 3:24



Interoffice Memo

DATE: October 13, 2016

PHONE: (909) 463- [REDACTED]

FROM: Terry Fillman Health Services Administrator
Health Services Division

TF

TO: Brett Williams Lieutenant
Civil Liabilities Division

SUBJECT

CLAIM AGAINST THE COUNTY: [REDACTED]

Claim # [REDACTED] submitted by [REDACTED] on September 21, 2016 indicates that he was denied medical care for 8-10 hours for injuries sustained during his arrest, and that he was forced to walk on a fractured leg.

A review of the medical record and attached summary indicates that [REDACTED] was evaluated by a Registered Nurse upon arrival to West Valley Detention Center. During his Intake Health Screen, [REDACTED] reported that he fell, but denied any problems including any pain to his ankle. It was noted that [REDACTED] had minimal swelling to his ankle in which he stated that was normal for him. [REDACTED] had good range of motion, and denied any pain to his ankle at that time. [REDACTED] was placed in suspended booking for observation due to his alcohol intake.

Approximately 5 hours after his Intake Health Screen, [REDACTED] reported that he had pain to his ankle and thought that it might be broken. [REDACTED] received an x-ray, crutches, and a Physician evaluation immediately after reporting pain to his ankle. [REDACTED] was subsequently diagnosed with a fracture to his distal fibula and malleolus, was provided with a splint, pain medication, education, and a referral to Orthopedic Clinic.

[REDACTED] was released from custody approximately 12 hours after his diagnosis. [REDACTED] was scheduled for Orthopedic Clinic at Arrowhead Regional Medical Center and could have attended that appointment or with his private medical doctor for follow up as clinically indicated.

[REDACTED] was evaluated and treated for all identified health concerns.

I recommend that this claim be denied.



Interoffice Memo

DATE: October 12, 2016

PHONE: (909) 387- [REDACTED]

FROM: Vicki Fillman Health Services Supervisor
Civil Liabilities Division

TO: James Mahan Sergeant
Rancho Cucamonga Station

SUBJECT	CLAIM AGAINST THE COUNTY: [REDACTED]
---------	--------------------------------------

The following is a review of the medical record for [REDACTED] who was in the custody of the San Bernardino County Sheriff's Department from 05/06/16 through 05/07/16.

05/06/16 @ 04:00 [REDACTED] was medically screened at West Valley Detention Center (WVDC) where he reported that he fell earlier but denied loss of consciousness, headache, or pain. Documentation indicates that [REDACTED] had a small abrasion to the left temple area and minimal swelling to his left ankle. Documentation indicates that [REDACTED] had range of motion to his ankle and denied pain to his ankle. [REDACTED] was placed in suspended booking for close observation due to his alcohol intake.

05/06/16 @ 09:30 [REDACTED] was evaluated by a nurse after he reported that he "thought he broke his ankle". Documentation indicates that [REDACTED] was alert, oriented, and had swelling to his left ankle bilaterally. [REDACTED] ambulated with a limp and reported that it was difficult to put pressure on his ankle. [REDACTED] was given crutches and scheduled for a same day x-ray.

05/06/16 @ 11:21 [REDACTED] was evaluated at Physician's Clinic where he reported a sharp throbbing pain that radiated up his leg. [REDACTED] also reported that he was unable to put pressure on his leg. Documentation indicates that [REDACTED] had swelling and tenderness to his medial and lateral malleolus on his left lower extremity. There was no discoloration or open wounds and [REDACTED] was unable to perform range of motion to his ankle due to pain. [REDACTED] x-ray indicated a mild displaced distal fibular/lateral malleolar oblique fracture and was provided with a splint and shower bag. [REDACTED] received pain medication, a referral to Orthopedic Clinic, education, and instructions to return to clinic if numbness, tingling, or discoloration occurred.

05/07/16 @ 00:34 [REDACTED] was released from custody.



ENTRANCE



CLAIM #



CLAIM # [REDACTED]

ENTRANCE



ATTACHMENT C

Subject: Lawsuit

Reported By: Chris Deveau, Sergeant

Attached is the lawsuit filed on behalf of [REDACTED].

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

Plaintiff(s)

v.

COUNTY OF SAN BERNARDINO; and DOES
1-6 (in their individual capacities)

Defendant(s)

Civil Action No.

CLERK OF THE
BOARD OF SUPERVISORS
2017 MAR 17 PM 12:46
COUNTY OF SAN BERNARDINO
CALIFORNIA

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) COUNTY OF SAN BERNARDINO
222 W. Hospitality Lane, 3rd Floor
San Bernardino, CA 92415

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Darrell J. York
York & Garvey
137 N. Larchmont Blvd., #506
Los Angeles, CA 90004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 2/16/2017

CLERK OF COURT

[Signature]

Signature of Clerk or Deputy Clerk



1 Darrell J. York, Esq. (SBN 145601)
2 Sarah L. Garvey, Esq. (SBN 202491)
3 Law Offices of York & Garvey
4 137 N. Larchmont Blvd., #506
5 Los Angeles, CA 90004
6 Telephone (866) 908-2121
7 Facsimile (877) 221-3306
8 Email: djylaw@gmail.com
9 Email: sarahgarvey@yahoo.com

10 Attorneys for Plaintiff
11 [REDACTED]

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 [REDACTED])	CASE NO.:
15 Plaintiff,)	
16 vs.)	COMPLAINT FOR:
17 COUNTY OF SAN BERNARDINO;)	1. VIOLATION OF CIVIL RIGHTS-
18 and DOES 1-6 (in their)	EXCESSIVE FORCE
19 Individual capacities);)	[42 U.S.C. §1983]
20 Defendants.)	2. BATTERY
)	3. BANE ACT
)	[Cal. Civil. Code §52.1]
)	JURY TRIAL DEMANDED

21
22
23 Plaintiff [REDACTED] ("Plaintiff"), through his
24 undersigned counsel and upon information and belief, alleges the
25 following:

26 ///
27 ///
28 ///

CLERK OF THE
BOARD OF SUPERVISORS
2017 MAR 17 PM 12:46
COUNTY OF SAN BERNARDINO
CALIFORNIA

INTRODUCTION

1
2 1. This civil rights and state tort action seeks
3 compensatory and punitive damages for serious injuries received
4 by Plaintiff as a result of being beaten by numerous San
5 Bernardino County Sheriff's Deputies on or about May 6, 2016.

JURISDICTION AND VENUE

6
7 2. This case arises under 42 U.S.C. §1983 and 1988 as
8 well as California law. This Court has subject matter
9 jurisdiction over Plaintiff's federal question and civil rights
10 claims pursuant to 28 U.S.C. §§ 1331 and 1343. This Court has
11 jurisdiction over Plaintiff's supplemental state law claims
12 under 28 U.S.C. § 1367 as those claims arise out of the same
13 transactions and occurrences as Plaintiff's federal question
14 claims.

15 3. Venue is proper in the Central District of California
16 pursuant to 28 U.S.C. §1391(b)(2) because the events and
17 omissions giving rising to this Complaint occurred in the County
18 of San Bernardino

19 4. Plaintiff has complied with all applicable
20 prerequisites to filing suit and timely filed a governmental
21 tort claim under California Government Code § 910 was filed with
22 the County of San Bernardino on or about September 21, 2016 and
23 was rejected on October 26, 2016. This action was timely filed
24 pursuant to California Government Code § 945.6.

PARTIES

25
26 6. Plaintiff brings this action in his individual
27 capacity. At all times relevant, Plaintiff was a citizen of the
28 State of California.

1 7. Defendant COUNTY OF SAN BERNARDINO (the "COUNTY") is a
2 public entity of the State of California, created and existing
3 by virtue of the laws of the State of California. The COUNTY
4 operates and manages the SAN BERNARDINO SHERIFF'S DEPARTMENT
5 (the "DEPARTMENT") and the COUNTY is and at all times relevant
6 times was responsible for the actions or inactions of DOES 1-
7 6, and for the policies, practices and/or customs relating to
8 the DEPARTMENT. At all relevant times the COUNTY was the
9 employer of DOES 1-6.

10 8. At all relevant times, Defendants DOES 1-6
11 were employees or agents of the COUNTY and the DEPARTMENT and
12 were duly authorized COUNTY employees and agents, acting under
13 color of law within the course and scope of their duties and
14 offices and with ratification by COUNTY. Plaintiff is informed
15 and believes and thereon alleges that each of the fictitious
16 named Defendants DOES 1-6 is responsible in some manner and to
17 some extent liable for the injuries alleged herein. The true
18 names and/or capacities of DOES 1-6 are unknown to Plaintiff.
19 Plaintiff will seek to amend this complaint to show the true
20 names and capacities of these defendants when they have been
21 ascertained. DOES 1-6 are sued in their individual capacities.

22 9. Plaintiff is informed and believes and thereupon
23 alleges that each Defendant is, and at all relevant times was,
24 the agent, employee, representative, successor, and/or assignee
25 of each other Defendant. Each Defendant, in doing the acts, or
26 in omitting to act as alleged herein, was acting within the
27 scope of his or her actual and apparent authority or the alleged
28

1 acts and omissions of each Defendant as agent subsequently were
2 ratified and adopted by each other Defendant as principal.

3 10. DOES 1-6 also are liable for Plaintiff's injuries
4 under California law. Liability under California law for a
5 governmental employee is based upon California Government Code
6 §§820. Liability under California law for a governmental
7 employer is based upon California Government Code §815.2(a).

8 **STATEMENT OF FACTS**

9 11. On or about May 6, 2016, Plaintiff was standing on the
10 sidewalk on [REDACTED] just outside of his apartment complex
11 at [REDACTED], Rancho Cucamonga, California. Plaintiff
12 saw a DEPARTMENT patrol vehicle pull into a driveway just north
13 of where he was standing. Plaintiff then saw a second
14 DEPARTMENT patrol vehicle pull into the same driveway.

15 12. Plaintiff started to walk in a north/east direction
16 back to his apartment. Plaintiff heard the deputies yell
17 something. Plaintiff turned around and saw one deputy running
18 in his direction and was yelling "get on the ground". Plaintiff
19 started to get on the ground when he was suddenly and violently
20 tackled from behind by one of the deputies (DOE 1). Plaintiff
21 immediately felt his lower left leg fracture and Plaintiff told
22 DOE 1 that he just broke his leg. Other deputies arrived (DOES
23 2-5) and they started to beat and kick Plaintiff while Plaintiff
24 was lying face down on the pavement. Plaintiff was kicked in
25 the head several times by one of the DOE deputies. Plaintiff
26 was not offering any resistance at any time. Plaintiff again
27 told the DOE deputies that they broke his leg. On or two of the
28 DOE deputies then forcefully stepped on his broken leg and push

1 down extremely hard causing Plaintiff immense pain. Plaintiff
2 was then handcuffed and forced to stand.

3 13. Plaintiff told the DOE deputies that he could not walk
4 because his leg was broken. The DOE deputies told him nothing
5 was wrong with his leg and not to be a pussy. The deputies
6 forced Plaintiff to walk on his fractured leg causing Plaintiff
7 extreme pain.

8 14. A Sheriff Deputy Sergeant (DOE 10) was at the scene and
9 Plaintiff told the Sheriff that he had better not complain to
10 anyone about his leg once he got to the jail or "we are going to
11 make this hard for you."

12 15. Plaintiff was taken to the jail and was briefly
13 examined by a nurse. One of the DOE deputies stood behind him
14 and told him "remember what the sergeant told you." The nurse
15 asked him if he was injured and he told the nurse that he was
16 told not to say anything.

17 16. Upon his release from jail, Plaintiff went to his
18 doctor who took x-rays and confirmed the fracture of his left
19 leg and that his ankle was dislocated. Plaintiff required
20 surgery to repair the fracture.

21 **FIRST CAUSE OF ACTION**

22 Violation of Civil Rights - Excessive Force - 42 U.S.C. § 1983

23 Fourth and Fourteenth Amendments

24 (Against DOES 1-6)

25 17. Plaintiff repeats and realleges each and every
26 allegation in paragraphs 1 through 16 of this Complaint with the
27 same force and effect as if fully set forth herein.

1 18. Defendant's actions deprived Plaintiff of his rights
2 under the Fourth and Fourteenth Amendments to the United States
3 Constitution. The latter of these amendments makes the former
4 applicable to the states. Plaintiff brings his claims for
5 damages for the violations of these rights based on 42 U.S.C. §
6 1983.

7 19. Defendants violated Plaintiff's rights under the
8 Fourth and Fourteenth Amendments when DOES 1 tackled him to the
9 ground with such force that his lower left leg was fractured and
10 his ankle dislocated. DOES 1-5 then kicked and punched
11 Plaintiff while he was lying face down on the pavement. One or
12 two of the DOE defendants stood on Plaintiff's lower left leg
13 after Plaintiff said they had just fractured that leg. DOES 1-6
14 then forced Plaintiff to walk on his fractured leg even though
15 he immediately complained that his leg was fractured. These acts
16 were intentional, malicious, sadistic, and for the purpose of
17 causing harm, without any valid penological justification.

18 20. As a result of their conduct, Defendants are liable
19 for Plaintiff's injuries, either because they were integral
20 participants in the misconduct, or because they failed to
21 intervene when they had the opportunity to do so to prevent
22 these violations.

23 21. As a direct and legal result of defendant's acts and
24 omissions, Plaintiff has suffered damages, including, without
25 limitation, pain and suffering, mental and emotional distress,
26 serious physical injuries, medical expenses, loss of earnings,
27 attorney's fees, costs of suit and other pecuniary losses not
28 yet ascertained.

1 22. Plaintiff alleges that the acts and omissions of
2 Defendants alleged in this Complaint were willful, malicious,
3 intentional, oppressive, reckless, and/or were done in conscious
4 disregard of Plaintiff's rights, welfare and safety, thereby
5 justifying the award of punitive and exemplary damages in an
6 amount to be determined at trial.

7 23. Wherefore, Plaintiff prays for relief as
8 hereunder appears.

9 **SECOND CAUSE OF ACTION**

10 **Battery**

11 **California State Law**

12 **(Against DOES 1-5 and COUNTY)**

13 24. Plaintiff repeats and realleges each and every
14 allegation in paragraphs 1 through 24 of this Complaint with the
15 same force and effect as if fully set forth herein.

16 25. Defendant DOES 1-5 committed a battery against
17 Plaintiff when they committed unreasonable acts that resulted in
18 harmful or offensive contact with Plaintiff's person without
19 consent and without justification.

20 26. Defendant DOE 1 committed a battery against Plaintiff
21 when he used excessive and unreasonable force by tackling him to
22 the ground causing Plaintiff's left leg to fracture and
23 dislocate. DOES 1-5 also punched and kicked Plaintiff and
24 maliciously stepped on his fracture leg while he was lying face
25 down on the ground. The use of such force was without any
26 justification as Plaintiff was not resisting or being combative
27 in any manner.

28 ///

1 27. As a direct and legal result of defendant's acts and
2 omissions, Plaintiff has suffered damages, including, without
3 limitation, pain and suffering, mental and emotional distress,
4 serious physical injuries, medical expenses, attorney's fees,
5 costs of suit and other pecuniary losses not yet ascertained.

6 28. Plaintiff alleges that the acts and omissions of
7 Defendants alleged in this Complaint were willful, malicious,
8 intentional, oppressive, reckless, and/or were done in conscious
9 disregard of Plaintiff's rights, welfare and safety, thereby
10 justifying the award of punitive and exemplary damages in an
11 amount to be determined at trial.

12 29. Defendant COUNTY is vicariously liable for the
13 wrongful acts of DOES 1-5 pursuant to section 815.2(a) of the
14 California Government Code, which provides that a public entity
15 is liable for the injuries caused by its employees within the
16 scope of the employment if the employee's act would subject him
17 or her to liability.

18 30. Wherefore, Plaintiff prays for relief as hereunder
19 appears.

20 **THIRD CAUSE OF ACTION**

21 Violation of State Civil Rights - Bane Act

22 Cal. Civil Code § 52.1

23 (Against DOES 1-6)

24
25 31. Plaintiff repeats and realleges each and every
26 allegation in paragraphs 1 through 30 of this Complaint with the
27 same force and effect as if fully set forth herein.

28 ///

1 32. Defendant DOES 1-6 interfered or attempted to
2 interfere with Plaintiff's civil and constitutional rights by
3 threats, intimidation or coercion, and in a deliberate or
4 spiteful manner, including Plaintiff's rights secured by the
5 Fourth and Fourteenth Amendments of the United States
6 Constitution and Article I, § 17 of the California Constitution
7 and California Civil Code § 43.

8 33. Defendant DOES 1-5 engaged in such reprehensible acts
9 and omissions when Defendants DOES 1-5 threatened, intimidated
10 and coerced Plaintiff when they tackled him to the ground
11 thereby fracturing his leg, stepped on his leg after Plaintiff
12 said they fractured his leg, punched and kicked Plaintiff while
13 he was lying face down on the pavement and offering no
14 resistance.

15 34. Defendant DOE 6 engaged in such reprehensible acts and
16 omissions when he threatened and intimidated Plaintiff by
17 telling Plaintiff that he had better not complain about his leg
18 to anyone once he got to the jail or they would make it hard on
19 him.

20 35. As a result of their conduct, Defendant DOES 1-6 are
21 liable for Plaintiff's injuries, because they was the integral
22 participant in the misconduct.

23 36. As a direct and legal result of defendant DOE 1-6's
24 acts and omissions, Plaintiff has suffered damages, including
25 without limitation, pain and suffering, extreme mental and
26 emotional distress, physical injuries, medical expenses, loss of
27 earnings, and attorney's fees, costs of suit and other pecuniary
28 losses not yet ascertained.

1 37. Plaintiff alleges that the acts and omissions of
2 Defendants were willful, malicious, intentional, oppressive,
3 reckless, and/or were done in conscious disregard of Plaintiff's
4 rights, welfare and safety, thereby justifying the award of
5 punitive and exemplary damages in an amount to be determined at
6 trial.

7 38. Wherefore, Plaintiff prays for relief as hereunder
8 appears.
9

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff requests entry of judgment in his favor and
12 against each Defendant as follows:

- 13 1. For compensatory, general and special damages in an amount
14 to be determined at trial;
15 2. For punitive damages under federal and state law against
16 individual Defendants in an amount to be determined at trial;
17 3. For reasonable costs of this suit and attorneys' fees
18 pursuant to 42 U.S.C. § 1988 and pertinent California law; and
19 4. For such further relief as the Court may deem just, proper
20 and appropriate.
21

22 Dated: February 16, 2017

Respectfully Submitted,

24 By: /s/ "Darrell J. York"
25 Darrell J. York (SBN 145601)
26 Attorney for Plaintiff
[REDACTED]
27
28

1 JURY TRIAL DEMANDED

2 Plaintiff hereby demands a trial by jury.

3
4 Dated: February 16, 2017 Respectfully Submitted,

5
6 By: /s/ "Darrell J. York"
7 Darrell J. York (SBN 145601)
8 Attorney for Plaintiff
[REDACTED]
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE TO COUNSEL

(For use in Direct Assignment of Civil Cases to Magistrate Judges Program only)

The court has directed that the following rules be specifically called to your attention:

- I. Notice of Right to Consent to Disposition of a Civil Case by a United States Magistrate Judge [28 U.S.C. § 636(c) and General Order 12-02].
- II. Continuing Obligation to Report Related Cases (Local Rule 83-1.3.3)
- III. Service of Papers and Process (Local Rule 4)

I. NOTICE OF RIGHT TO CONSENT TO DISPOSITION OF A CIVIL CASE BY A UNITED STATES MAGISTRATE

Pursuant to Local Rule 73-2, the initiating party must serve this notice and consent form CV-11C on each party at the time of service of the summons and complaint or other initial pleading.

This case has been randomly assigned to Magistrate Judge Kenly Kiya Kato under the Direct Assignment of Civil Cases to Magistrate Judges Program in accordance with General Order 12-02. The case number on all documents filed with the court must read as follows:

[REDACTED]

The parties are advised that their consent is required if the above assigned magistrate judge is to conduct all further proceedings in the case, including trial and final entry of judgment pursuant to 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73. Should the parties not consent to proceed before the above assigned magistrate judge, the case will be randomly reassigned to a district judge. If this occurs, the parties cannot later consent to reassignment of the case to any other magistrate judge.

The parties are further advised that they are free to withhold consent without adverse substantive consequences. If the parties agree to the exercise of jurisdiction by the magistrate judge, the parties shall jointly or separately file a statement of consent setting forth such election. Except as provided in Local Rule 73-2.4.1.1, for cases originally filed in district court and initially assigned only to a magistrate judge, the statement of consent shall be filed within 42 days after service of the summons and complaint upon that defendant, and within 42 days by plaintiff after service upon the first-served defendant. If the United States, an agency of the United States, or an officer or employee of the United States is a defendant, the statement of consent shall be filed by the government defendant within 60 days after service of the summons and complaint upon that defendant.

For cases removed from state court and initially assigned only to a magistrate judge, a joint or separate statements of consent shall be filed by plaintiff and all defendants upon whom service has been effected, within 14 days after the notice of removal is filed.

Since magistrate judges do not handle felony criminal trials, civil trial dates are not at risk of being preempted by a felony criminal trial, which normally has priority. Further, in some cases, the magistrate judge may be able to assign an earlier trial date than a district judge. There may be other advantages or disadvantages which you will want to consider.

Any appeal from a judgment of the magistrate judge shall be taken to the United States Court of Appeals in the same manner as an appeal from any other judgment of the district court in accordance with 28 U.S.C. § 636(c)(3).

If a party has not consented to the exercise of jurisdiction by the magistrate judge within the time required by Local Rule 73-2, the case shall be randomly reassigned to a district judge and a magistrate judge shall be randomly assigned to the case as the discovery judge. (Local Rule 73-2.6)

You may contact the Civil Consent Case Coordinator at (213) 894-1871 or consentcoordinator@cacd.uscourts.gov if you have any questions about the Direct Assignment of Civil Cases to Magistrate Judges Program.

II. CONTINUING OBLIGATION TO REPORT RELATED CASES

Parties are under the continuing obligation to promptly advise the Court whenever one or more civil actions or proceedings previously commenced and one or more currently filed appear to be related.

Local Rule 83-1.3.3 states: "It shall be the continuing duty of the attorney in any case promptly to bring to the attention of the Court, by filing a Notice of Related Case(s) pursuant to Local Rule 83-1.3, all facts which in the opinion of the attorney or party appear relevant to a determination whether such action and one or more pending actions should, under the criteria and procedures set forth in Local Rule 83-1.3, be heard by the same judge."

Local Rule 83-1.2.1 states: "It is not permissible to dismiss and thereafter refile an action for the purpose of obtaining a different judge."

Local Rule 83-1.2.2 provides: Whenever an action is dismissed by a party or by the Court before judgment and thereafter the same or essentially the same claims, involving the same or essentially the same parties, are alleged in another action, the later-filed action shall be assigned to the judge to whom the firstfiled action was assigned. It shall be the duty of every attorney in any such later-filed action to bring those facts to the attention of the Court in the Civil Cover Sheet and by the filing of a Notice of Related Case(s) pursuant to L.R. 83-1.3.

III. SERVICE OF PAPERS AND PROCESS

Local Rule 4-2 states: "Except as otherwise provided by order of Court, or when required by the treaties or statutes of the United States, process shall not be presented to a United States Marshal for service." Service of process must be accomplished in accordance with Rule 4 of the Federal Rules of Civil Procedure or in any manner provided by State Law, when applicable. Service upon the United States, an officer or agency thereof, shall be served pursuant to the provisions of FRCP 4(i). Service should be promptly made; unreasonable delay may result in dismissal of the action under Local Rule 41 and Rule 4(m) of the Federal Rules of Civil Procedure. Proof of service or a waiver of service of summons and complaint must be filed with the court.

Clerk, U.S. District Court

February 16, 2017
Date

By /s/ Carmen Reyes
Deputy Clerk

ATTORNEY(S) FOR:

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NUMBER:

v.

Plaintiff(s)

Defendant(s).

STATEMENT OF CONSENT TO PROCEED
BEFORE A UNITED STATES MAGISTRATE JUDGE
(For use in Direct Assignment of Civil Cases to Magistrate
Judges Program Only)

**(THIS FORM SHALL BE USED ONLY FOR CASES IN WHICH A MAGISTRATE JUDGE IS INITIALLY
ASSIGNED PURSUANT TO LOCAL RULE 73-2.)**

In accordance with General Order 12-02 and Local Rule 73-2 the above-captioned civil matter has been randomly assigned to Magistrate Judge _____. All parties to the above-captioned civil matter are to select one of the following two options and file this document with the Clerk's Office.

- ☐ The party or parties listed below to the above-captioned civil matter **consent** pursuant to the provisions of 28 U.S.C. § 636(C) and F.R.Civ.P. 73(b), to have the assigned Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment.

Any appeal from a judgment of the assigned Magistrate Judge shall be taken to the United States Court of Appeals in the same manner as an appeal from any other judgment of the District Court in accordance with 28 U.S.C. § 636(c)(3).

- ☐ The party or parties listed below to the above-captioned civil matter **do not consent** to proceed before the assigned Magistrate Judge.

The party or parties listed below acknowledge that they are free to withhold consent without adverse substantive consequences.

Name of Counsel (OR Party if Pro Per)

Signature and date

Counsel for (Name of Party or Parties)

_____	_____	_____
_____	_____	_____
_____	_____	_____

NOTICE TO COUNSEL FROM CLERK:

All parties having consented to proceed before the assigned Magistrate Judge, this case will remain assigned to United States Magistrate Judge _____ for all further proceedings.

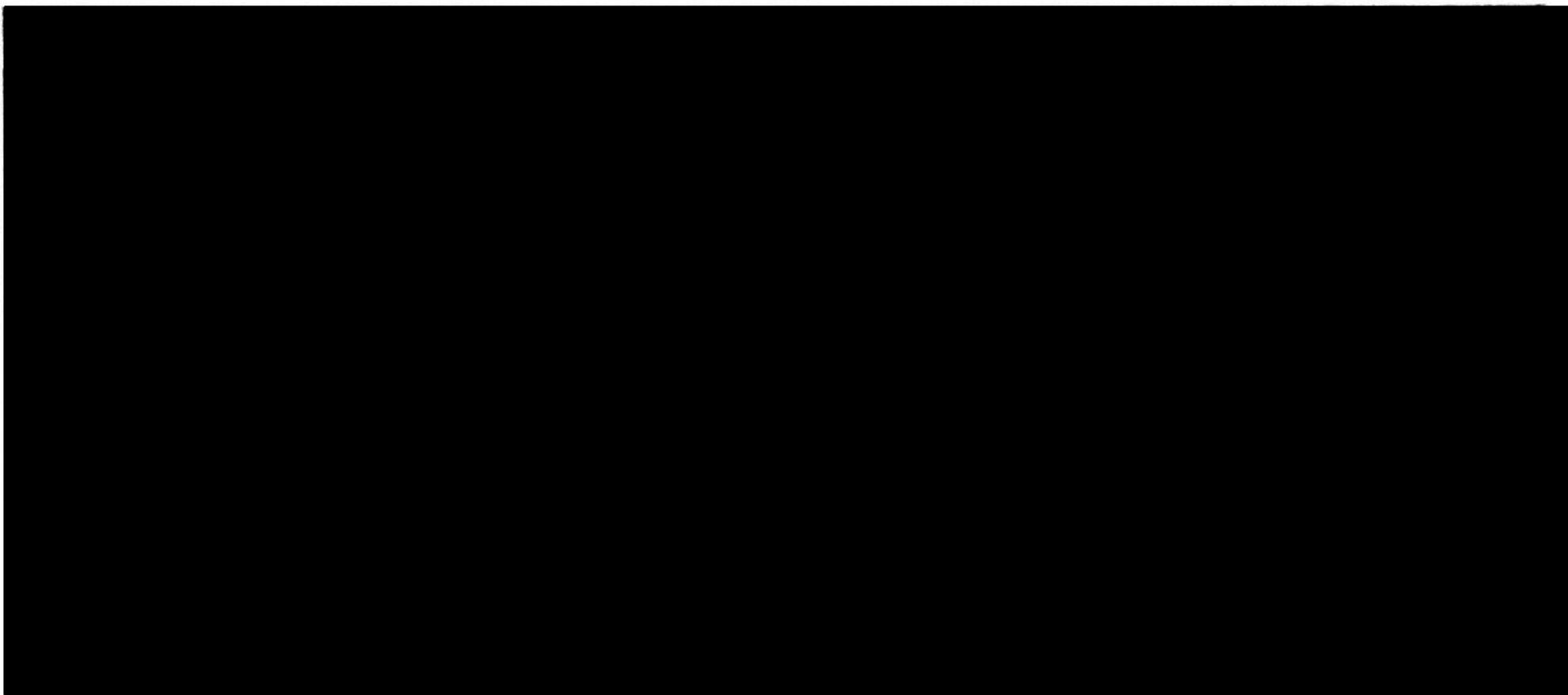
ATTACHMENT D

Subject: Map

Reported By: Chris Deveau, Sergeant

Attached is the printed map of the incident location Deputy Alejandro Barrero utilized during his re-interview to indicate what happened, distances, and spatial relationships.

Google Maps



Imagery ©2017 Google, Map data ©2017 Google 50 ft



a3.
5-24-17

ATTACHMENT E

Subject: Administrative Investigation Advisement Forms

Reported By: Chris Deveau, Sergeant

Attached is the Administrative Investigation Advisement Form signed by Deputy Alejandro Barrero.

Investigated By:
Sergeant Chris Deveau, Internal Affairs Division

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

Administrative Investigation Advisement



Date 052217

Alejandro Barrero

Employee Name

Employee # A6154

Chris Deveau/Sergeant/Internal Affairs

Investigating Officer / Rank / Division

KIM WATKINS /Sergeant/RANCHO CUCAMONGA

Investigating Officer / Rank / Division

The Department is conducting an administrative investigation which could result in disciplinary action. The law provides that public safety officers must be apprised of the nature of the investigation prior to any interrogation. In the instant case, the nature of the investigation is as follows:

Facts and circumstances surrounding your knowledge, contact, and interaction with [REDACTED] involved deputies, and reports from May 06, 2016, regarding a Disturbance call.

(NOTE: Describe the nature of the investigation, not the policy sections violated.)

655 East Third Street, San Bernardino, California 92415-0061

Alejandro Barrero

AB. 5-22-17
Initial and Date

Administrative Investigation Advisement

Page 2



Please read these certain rights as granted by law relative to administrative interrogations. If you have any questions, the interviewing officer(s) can provide further explanation.

CALIFORNIA PEACE OFFICER PROCEDURAL BILL OF RIGHTS

You have a right not to be subjected to punitive action, or be denied promotion or threatened with any such treatment, because of the lawful exercise of your rights granted by Government Code section 3300 et. Seq., or the exercise of any rights under any existing administrative grievance procedure.

You have a right to have any interrogation conducted at a reasonable hour, with a representative of your own choosing present, preferable at a time when you are on duty, or during your normal waking hours, unless the seriousness of the investigation requires otherwise. [3303(a)]

You have a right to be compensated for time spent in interrogations that are conducted on your off-duty time in accordance with departmental guidelines. You shall not be released from employment for any work missed. [3303(a)]

You have a right to be informed of the name and rank and command of the officer in charge of an interrogation, the interrogating officers, and all persons to be present during the interrogation, in advance of the interrogation. [3303(b)]

You have a right to have all questions directed to you under interrogation through no more than two interrogators at one time. [3303(b)]

You have a right to be informed of the nature of the investigation prior to the interrogation. [3303(c)]

You have a right to have the interrogating sessions limited to a reasonable period, taking into consideration the gravity and complexity of the issue being investigated [3303(d)]

You have a right during interrogations, to be allowed to attend to your own personal physical necessities. [3303(d)]

You have a right not to be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogation shall be informed that failure to answer questions directly related to the investigation, or interrogation, may result in punitive action. No promise or reward shall be made as an inducement to answering any questions. [3303(e)]

You have a right not to be subjected to visits by the press or news media without your express consent, nor shall your home address or photograph be given to the press or news media by the department without your express consent. [3303(e)]

You have a right to have no statement you make under duress or coercion during an administrative interrogation to be admissible in any subsequent civil proceeding except: when the agency is seeking civil sanctions against you; in civil or administrative actions brought by you against your employer; when the statements are used to impeach your testimony after in-camera review; or if you are subsequently deceased. [3303(f)]

You have a right to access any tape recording of any of your previous interrogations or to have your own tape recorder present. [3303(g)]

655 East Third Street, San Bernardino, California 92415-0061

Administrative Investigation Advisement

Page 3



CALIFORNIA PEACE OFFICER PROCEDURAL BILL OF RIGHTS (continued)

You have a right to a transcribed copy of any notes made by a stenographer, or to any reports or complaints made by investigators or other persons upon completion of the investigation, except those which are deemed by the investigation agency to be confidential. No notes or reports, which are deemed confidential may be entered in your personnel file. [3303(g)]

You have a right to be informed of your Constitutional Rights prior to or during the investigation if it is deemed that you may be charged with a criminal offense. [3303(i)]

You have a right to have a representative present if formal charges have been made or if punitive action may be taken as a result of interrogation. [3303(i)]

You have a right not to be loaned, or temporarily reassigned, to a location or duty assignment if a sworn member of the Department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances. [3303(j)]

You have a right that no punitive action, or denial of promotion, on grounds other than merit, shall be undertaken by any public agency without providing you with an opportunity for administrative appeal. [3304(b)]

You have a right not to have any comment, adverse to your interest, entered in your personnel file, or any other file used for any personnel purposes by your employer, without you first having read and signed the instrument containing the adverse comment, indication that you are aware of such comment. If you refuse to sign the document, it will be so noted and placed in your file, after you have signed or initialed the fact of your refusal to sign. [3305]

You have a right to refuse to inform your employer of information regarding items of property, income, assets, source of income, debts, or personal or domestic expenditures and those of your family, except such information as required by state law, or which is necessary for the employer to ascertain the desirability of assignment to a special unit in which there is a strong possibility of bribes or other improper inducements being offered. [3308]

You have a right to have your locker free from search, except when you are present, or when you have been notified of the date and time the search will be conducted, or by other legal means. [3309]

You have a right to have thirty (30) days within which to file a written response to any adverse comment entered in your personnel file and have it attached to, and accompany, the adverse comment. [3306]

You have a right to refuse to submit to a polygraph examination. No disciplinary action may be taken or record kept to indicate the fact that you refused the polygraph. Nor shall the fact that you refused the polygraph exam be admissible at any subsequent hearing. [3307]

655 East Third Street, San Bernardino, California 92415-0061

Administrative Investigation Advisement

Page 4



MIRANDA RIGHTS

In addition to your Rights under Government Code 3300 et. Seq., you also have the following Miranda Rights:

1. You have the right to remain silent.
2. Anything you say can be used against you in court.
3. You have the right to an attorney, before and during questioning.
4. If you cannot afford an attorney, one will be appointed by the court, free of charge before questioning.

I have read and understand my Miranda Rights. My reading and understanding of my Miranda Rights is not a waiver of those rights.

GARRITY ADMONITION

You are ordered to answer all questions asked of you during this administrative investigation. Although you have a right to remain silent and not incriminate yourself, your silence can be deemed insubordination and result in administrative discipline. Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding.

I, the undersigned, have read and understand my rights as provided in Government Code 3300 et. Seq. (Peace Officers Bill of Rights)

I have read and understand my rights explained in the Garrity Admonition.

Olga Bonifaz

Signature

5-22-17 . 0705

Date & Time

Kim Watkins

Witness

052217-1727

Date & Time

ALEX

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT

Administrative Investigation Advisement

Page 5



ADMINISTRATIVE ORDER OF CONFIDENTIALITY

You have the right to discuss this case with an attorney or representative of your choice, however, you are ordered not to discuss it with anyone else, unless expressly given permission to do so by the Sheriff or his designee.

Ol Bond

Signature

3. 27. 17 / 1837

Date & Time

John Burk, CA.

Witness

3-27-17 / 1837

Date & Time

Administrative Investigation Advisement

Page 5



ADMINISTRATIVE ORDER OF CONFIDENTIALITY

You have the right to discuss this case with an attorney or representative of your choice, however, you are ordered not to discuss it with anyone else, unless expressly given permission to do so by the Sheriff or his designee.

Ol Bone

Signature

5.22.17 1705

Date & Time

Kim Watkins

Witness

052217 - 1727

Date & Time

655 East Third Street, San Bernardino, California 92415-0061

Administrative Investigation Advisement

Page 6



INTEGRITY ADMONITION

You swore to uphold a Code of Ethics upon entering law enforcement. Prior to giving a statement in the pending investigation, remember the following lines from that code:

"Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department."

Honesty and truthfulness are core values and essential characteristics for a peace officer; the public we serve and the courts in which we testify demand no less.

You are advised that, as a result of court decisions, the Sheriff's Department may be compelled to disclose all administrative evidence in its possession concerning an employee's lack of honesty to various courts and, ultimately, to defense attorneys. Administrative evidence subject to such disclosure is not limited by any historical parameter; evidence spanning an employee's entire career must be disclosed. Once disclosed, such evidence can be expected to be considered by prosecutors and judges, as well as be used by defense counsel in all future proceedings involving the employee.

Untruthfulness in the course of your duties, including statements concerning the pending investigation, will result in disciplinary allegations, which, if sustained, are likely to result in termination of your employment.

If you do not understand a question, ask for clarification.

If you do not understand the long-term effects of departing from the truth during the investigation, ask the investigator, your commanding officer, or your attorney.

By signing this document, I hereby acknowledge my duty to be forthright and completely honest at all times. Furthermore, I understand violations of this duty may cause termination of my employment.

al Bond

Signature

5.22.17 1705

Date & Time

Kim Watkins

Witness

052217 - 1728

Date & Time

ATTACHMENT F

Subject: Compact Disc

Reported By: Chris Deveau, Sergeant

Attached is a compact disc containing the following:

Dispatch Audio of Radio Traffic of the Incident

Administrative Interview with Sergeant [REDACTED]

Administrative Interview with Deputy Sheriff [REDACTED]

Administrative Interview with Deputy Sheriff [REDACTED]

Administrative Interview with Deputy Sheriff Alejandro Barrero

Administrative Re-Interview with Deputy Sheriff Alejandro Barrero

Administrative Interview with Deputy Sheriff [REDACTED]

Administrative Interview with Deputy Sheriff [REDACTED]

Video Surveillance from West Valley Detention Center Intake



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ATTACHMENT G

Subject: Compact Disc

Reported By: Chris Deveau, Sergeant

Attached is a compact disc containing an additional Administrative Re-Interview with
Deputy Sheriff Alejandro Barrero.

